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# DISSERTATIONS

AND

## DISCUSSIONS:

Political, Philosophical, and Historical.

BY

JOHN STUART MILL.

VOL. III.



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# DISSERTATIONS,

ETC.

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VINDICATION OF THE FRENCH REVOLUTION OF  
FEBRUARY, 1848; IN REPLY TO LORD BROUGHAM  
AND OTHERS.\*

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THAT the transactions and the men of the late French Revolution should find small favor in the eyes of the vulgar and selfish part of the upper and middle classes, can surprise no one; and that the newspaper press, which is the echo, or, as far as it is able, the anticipation, of the opinions and prejudices of those classes, should endeavor to recommend itself by malicious disparagement of that great event, is but in the natural order of things. Justice to the men, and a due appreciation of the event, demand that these unmerited attacks should not remain unprotested against. But it is difficult to grapple with so slippery an antagonist as

\* Letter to the Marquess of Lansdowne, K.G., Lord President of the Council, on the late Revolution in France. By Lord Brougham, F.R.S., Member of the National Institute. London: Ridgway. 1848.

Westminster Review, April, 1849.

the writer in a newspaper, and impossible to follow the stream of calumny as it swells by a perpetual succession of infinitesimal infusions from incessant newspaper articles. Unless through some similar medium, in which the day's falsehood can be immediately met by the day's contradiction, such assailants are fought at too great a disadvantage. It is fortunate, therefore, when some one, embodying the whole mass of accusation in one general bill of indictment, puts the case upon the issue of a single battle instead of a multitude of skirmishes. It is an immense advantage to the defenders of truth and justice, when all that falsehood and injustice have got to say is brought together in a moderate compass, and in a form convenient for exposure.

Such an advantage Lord Brougham has afforded by his outpouring of desultory invective against the Revolution and its authors. Among the multitude of performances, similar in intention and often superior in skill, which have issued from the English press since February, 1848, his pamphlet is the only one which affects to embrace the whole subject, and the only one which bears a known name. Should it seem to any one that more importance is attached to such a performance than properly belongs to a thing so slight and trivial, let it be considered that the importance of a numerical amount does not so much depend upon the unit which heads it, as upon the number of the figures which follow.

Lord Brougham "thinks it a duty incumbent on him, as one who has at various times been a leader in political movements, and had some hand in bringing about the greatest constitutional change that ever was effected without actual

violence, to enter calmly but fully upon the consideration of the most extraordinary Revolution which ever altered the face of affairs in a civilized country."

It is very natural and commendable in any one (even though he may not have had the advantage which Lord Brougham so often reminds the reader that he once enjoyed, of being a fellow-minister with the Marquess of Lansdowne) to endeavor to understand the remarkable event which is the theme of his vituperation. Remarkable, it may justly be called; though the commonplace hyperbole of "the most extraordinary Revolution which ever altered the face of affairs in a civilized country" will scarcely pass muster, even as a rhetorical flourish. In one respect, indeed, the Revolution of February must be allowed to be extraordinary, if not unexampled. It stands almost alone among revolutions, in having placed power in the hands of men who neither expected nor sought it, nor used it for any personal purpose, — not even for that of maintaining, otherwise than by opinion and discussion, the ascendancy of their own party; men whose every act proclaimed them to be that almost unheard-of phenomenon, — unselfish politicians; who did not, like the common run of those who fancy themselves sincere, aim at doing a little for their opinions, and much for themselves, but, with a disinterested zeal, strove to make their tenure of power produce as much good as their countrymen were capable of receiving, and more than their countrymen had yet learnt to desire. It was not, perhaps, to be expected that men of this stamp should command much of Lord Brougham's sympathy. Lord Brougham has fought, both frequently and effec-

tively, on the people's side ; but few will assert that he often was much in advance of them, or fought any up-hill battle in their behalf. Even in the days of his greatest glory, it was remarked that he seldom joined any cause until its first difficulties were over, and it had been brought near to the point of success by laborers of deeper earnestness, and more willing to content themselves without indiscriminate applause. If sympathy, therefore, depends on similarity of character, it was not likely that his lordship should feel any warm admiration for the members of the Provisional Government. But he is probably the only man in Europe, of his reputation and standing, who would have been capable of speaking of them in such a strain as the following : —

“The instantaneous disappearance of virtues, dominions, princedoms, powers, — of all the men who by their station, or their capacity, or their habits of government, or even their habits of business, had a claim to rule the affairs of their country, — was succeeded by the sudden lifting-up to supreme power of men, who, with the single exception of my illustrious friend M. Arago, were either wholly unknown before in any way, even to their very names and existence ; or who were known as authors of no great fame ; or who were known as of so indifferent reputation, that they had better have not been known at all ; and M. Arago, the solitary exception to this actual or desirable obscurity, himself known in the world of science alone.”

Remembering that, of the body of men thus spoken of, M. de Lamartine is one, it is difficult not to be amazed at so unbounded a reliance on the ignorance of the public. The literary fame of M. de Lamartine in

France and in Europe can afford to be ignored by Lord Brougham. There was not a single obscure person among the Provisional Government. The seven originally named were all distinguished members of the Chamber of Deputies. Their venerable president, one of the most honored characters in France, had even held office, if that be a recommendation: he was a member of the first cabinet appointed in 1830, and left the government when Louis Philippe parted company with popular principles. The "illustrious friend" known only "in the world of science" had been an active and influential politician for twenty years. Three others were leading members of the Paris bar. The four whom, in obedience to the popular voice, these seven accepted as their colleagues, were the acknowledged leaders of the Republican press; and who, that had paid the smallest attention to French affairs, was not familiar with the names and reputation of Marrast and of Louis Blanc?

The first sin of the Revolution, in the eyes of the pamphleteer, is its singularity. "The like of it never was before witnessed among men." It has "no parallel in the history of nations." It is "wholly at variance with every principle, as well as all experience." If it could possibly last, he would "feel bound to make the addition of a new head or chapter" to "a very elaborate work, the Political Philosophy" of "our Useful-Knowledge Society." If his account of it were true, one would be unable to understand how the Revolution could possibly have happened. It was "the sudden work of a moment, — a change prepared by no preceding plan, prompted by no felt inconvenience, an-

nounced by no complaint ;” “without ground, without pretext, without one circumstance to justify or even to account for it, except familiarity with change,” and “proneness to violence.” It was the “work of some half-dozen artisans, met in a printing-office,” — “a handful of armed ruffians, headed by a shoemaker and a sub-editor.” Who is meant by the sub-editor, his lordship best knows : the shoemaker, it must be presumed, is M. Adolphe Chenu, whose word Lord Brougham takes for the share he had in the transaction ; though a bare reading of his deposition is enough to prove that he was already known to be, what he is now admitted to have been, a police spy. To this “handful,” be it of “artisans” or “ruffians,” everybody submitted, though everybody disapproved. Half a dozen obscure men overthrew a government which nobody disliked, and established one which nobody desired. This singular incident, of a government which, so to speak, falls down of itself, does not suggest to the writer that there must have been something faulty in its foundations. It merely proves to him that foundations are of no use. It reveals the “terrible truth,” that it is natural to buildings to fall without a cause, and that henceforth none can be expected to stand. It “for ever destroys our confidence in any system of political power which may be reared,” not only in France, but on the face of the earth. “All sense of security in any existing government” is gone. “None can now be held safe for an hour.”

The explanation of the Revolution is, in short, that it is entirely inexplicable ; and this is intended, not as a confession of ignorance, but as a sufficient theory.



Common sense, however little informed concerning the Revolution, has been unable, from the first, to accept this notion of it. It appears to Lord Brougham very unaccountable that the English journals did not at once declare a determined enmity to the Revolution, but waited a few weeks before assuming their present attitude of hostility. It was because they did not believe, as he professes to do, that the best and wisest of governments had been overthrown by a touch; the mature opinion of the whole country being in its favor. That, too, is the reason why even now, while the grossest misrepresentations of the state of things which the Revolution has produced are universally propagated and very generally believed, hardly any one except the pamphleteer expresses regret for what it swept away. "The illustrious prince, who, with extraordinary ability and complete success, had, in times of foreign and domestic difficulty, steered the vessel of the State in safety and in peace during a period of seventeen years," and who had invited Lord Brougham to the Tuileries, and listened with apparent resignation to his "earnest and zealous" counsels, has now Lord Brougham for his only, or almost only, regretter and admirer. Why is this? Because everybody, whether acquainted with the facts or not, is able to see, that a government, which, after seventeen years of almost absolute power over a great country, can be overthrown in a day; which, during that long period, — a period, too, of peace and prosperity, undisturbed by any public calamity, — has so entirely failed of creating anywhere a wish for its preservation, that "a capital of one million souls, and a nation of five and thirty," including an army of

several hundred thousand, look on quietly while "a shoemaker and a sub-editor," followed by "an armed mob of two or three thousand," turn out the Chambers, and proclaim a totally different set of institutions,—that such a government, unless it was so much in advance of the public intelligence as to be out of the reach of appreciation by it, was so greatly in arrear of it as to deserve to fall.

This government, Lord Brougham confesses, was not without its foibles. The ministry had committed some blunders and indiscretions; and the institutions of the country had a few remaining defects, which the government showed no willingness to remove. There were too many placemen in parliament, and the elective franchise was "too limited," being confined, in a nation of thirty-four millions, to about a quarter of a million; distributed, it might have been added, so unequally, that a majority of the constituencies did not exceed two or three hundred voters. The government should have looked to this. They should have given "votes to all who were liable to serve on juries;" and also "enfranchised, without regard to property, the classes connected with science, letters, and the arts:" which is the same thing twice over; for the jury-list consisted precisely of the electors and of those classes. By this they would have added to the two hundred and fifty thousand electors, and to the large constituencies almost exclusively, some twenty or thirty thousand voters more. The other improvements of which, in Lord Brougham's judgment, the French Constitution stood in need, were to make the peerage hereditary, and allow land to be entailed. It would

have been treating his friends very hardly, to be severe upon them for not effecting these last specimens of constitutional improvement; since they might, with as much chance of success, have attempted to alter the solar system. Hereditary legislation and entails are not things which a nation takes back, when once it has rid itself of them. It certainly was not for this that the government of Louis Philippe, in the moment of trial, was found to be deserted by all mankind. Accordingly, Lord Brougham can find no mode of accounting for the fact but the selfishness and indifference of the National Guard, who "think only of their shops and their brittle wares; and avoid acting, provided they see no risk of pillage following the outbreak."

This specimen of philosophizing is not at all Baconian, and does no credit to the political philosopher of the Useful-Knowledge Society. The National Guard acted vigorously enough in 1832, and again in 1834, when they assisted the troops in putting down much more formidable insurrections than that of 1848. Their conduct in June last was not, as the pamphlet represents, the exception, but the rule. Their horror of *l'émeute* amounted to a passion: it was that, and not any attachment to the throne of Louis Philippe, which made them tolerate him for seventeen years. Why then, in February, did they, for the first and only time, not only not resist, but openly countenance, the insurrection? Because the time had come when disgust with the government had become a stronger feeling than even that passionate horror. The ruler of France had made the terror of the *bourgeois* at the idea of a

new revolution his sole instrument of government, except personal corruption; and that support now gave way under him.

The explanation of this result of seventeen years of power — the reason why a government, which, in the first years following its establishment, the most determined and violent attacks had failed to shake, found itself, in 1848, so feeble, that it fell at the first onset, and not a hand was raised to stay its fall — will be found, we believe, principally in two things.

First, it was a government wholly without the spirit of improvement. Not only did it make an obstinate resistance to all and every organic reform, even the most moderate; to all merely legislative or merely administrative improvements it was, in practice, equally inimical: it originated none itself, and successfully resisted all which were proposed by others. There are few instances of a government, in a country calling itself free, so completely sold to the support of all abuses: it rested on a coalition of all the sinister interests in France. Among those who influenced the suffrages of the bodies of two or three hundred electors who returned the ministerial majority, there were always some to whose interests improvement, be it in what it might, would have been adverse. It made things worse, not better, that the most conspicuous instruments of the system were men of knowledge and cultivation, who had gained the greater part of their reputation as the advocates of improvement. In some of these men, it might be personal interest; in others, hatred of democracy: but neither scrupled, for the sake of keeping their party together, to make them-

selves subservient to the purposes of their worst supporters. In order to bind these together in an united band to oppose democracy, they were allowed to have their own way in resisting all other change. This was, of itself, fatal to the durability of a government, in the present condition of the world. No government can now expect to be permanent, unless it guarantees progress as well as order; nor can it continue really to secure order, unless it promotes progress. It can go on, as yet, with only a little of the spirit of improvement. While reformers have even a remote hope of effecting their objects through the existing system, they are generally willing to bear with it. But when there is no hope at all; when the institutions themselves seem to oppose an unyielding barrier to the progress of improvement, — the advancing tide heaps itself up behind them till it bears them down.

This was one great characteristic of the government of Louis Philippe. The other, equally discreditable, was the more fatal to that government, because identified still more than the first, in public opinion, with the personal character and agency of the king himself. It wrought almost exclusively through the meaner and more selfish impulses of mankind. Its sole instrument of government consisted in a direct appeal to men's immediate personal interests or interested fears. It never appealed to, or endeavored to put on its side, any noble, elevated, or generous principle of action. It repressed and discouraged all such, as being dangerous to it. In the same manner in which Napoléon cultivated the love of military distinction as his one means of action upon the multitude, so did Louis Phi-

lippe strive to immerse all France in the *culte des intérêts matériels*, in the worship of the cash-box and of the ledger. It is not, or it has not hitherto been, in the character of Frenchmen to be content with being thus governed. Some idea of grandeur, at least some feeling of national self-importance, must be associated with that which they will voluntarily follow and obey. The one inducement by which Louis Philippe's government recommended itself to the middle classes was, that revolutions and riots are bad for trade. They are so ; but that is a very small part of the considerations which ought to determine our estimation of them. While classes were thus appealed to through their class-interests, every individual, who, either from station, reputation, or talent, appeared worth gaining, was addressed through whatever personal interest, either of money or vanity, he was thought most likely to be accessible to. Many were attempted unsuccessfully, many successfully. Corruption was carried to the utmost pitch that the resources at the disposal of the government admitted of.

Accordingly, the best spirits in France had long felt, and felt each year more and more, that the government of Louis Philippe was a demoralizing government ; that, under its baneful influence, all public principle or public spirit, or regard for political opinions, was giving way more and more to selfish indifference in the propertied classes generally, and, in many of the more conspicuous individuals, to the shameless pursuit of personal gain.

It is almost superfluous to adduce testimonies to facts of such universal notoriety ; but it is worth while to refer to two documents, which demonstrate, after all

that has been said of the unexpectedness of the events of February, how clearly it was seen, by competent judges, that, from the principles on which the government had long been carried on, such a termination of its career was almost certain to happen at some time, and might happen at any time.

One of these documents is a speech of M. de Tocqueville, delivered in the Chamber of Deputies on the 27th of January, 1848,—exactly four weeks before the Revolution. In this remarkable and almost prophetic discourse, M. de Tocqueville said, that, in the class which possessed and exercised political rights, “political morality is declining; it is already deeply tainted; it becomes more deeply so from day to day. More and more, opinions, sentiments, and ideas of a public character are supplanted by personal interests, personal aims, points of view borrowed from private interest and private life.” He called the members of the hostile majority themselves to witness, whether, in the five, ten, or fifteen years last elapsed, the number of those who voted for them from private motives was not perpetually increasing; the number who did so from political opinion, constantly diminishing.

“Let them tell me, if around them, under their eyes, there is not gradually establishing itself in public opinion a singular species of tolerance for the facts I have been speaking of; if, by little and little, there is not forming itself a vulgar and low morality, according to which the man who possesses political rights owes it to himself, owes it to his children, to his wife, to his relations, to make a personal use of those rights for their benefit; if this is not gradually raising itself into a sort of duty of the father of a family; if this new mo-

reality, unknown in the great times of our history, unknown at the commencement of our Revolution, is not developing itself more and more, and making daily progress in the public mind."

He described the acts by which the government of Louis Philippe had made itself accessory to this decline of public spirit. In the first place, by the gigantic strides which it was making towards despotism, —

"The government has repossessed itself, especially in these last years, of greater powers, a larger measure of influence, prerogatives more manifold and more considerable, than it had possessed at any other epoch. It has become infinitely more powerful than could have been imagined, not only by those who conferred, but by those who accepted, the reins of government in 1830."

The mischief was aggravated by the indirect and crafty manner in which it was brought about.

"It was by reclaiming old powers, which were thought to have been abolished in 1830; by reviving old rights, which were supposed to have been annulled; by bringing again into activity old laws which were believed to have been abrogated, and applying new ones in a different meaning from that in which they had been enacted. . . . Do you suppose that this crooked and surreptitious manner of gradually regaining ascendancy, as it were by surprise, through other means than those granted by the constitution, — think you that this strange spectacle of address and *savoir-faire*, publicly exhibited for several years on so vast a theatre, to a whole nation looking on, — that this spectacle was of a nature to improve public morals?"

And supposing, by a great concession, that the men who wrought this evil were themselves persuaded that it was good, —



"They have not the less effected it by means which morality disavows. They have achieved it by taking men, not by their honorable side, but by their bad side, — by their passions, their weaknesses, their personal interests, often their vices. . . . And, to accomplish these things, it has been necessary for them to call to their assistance, to honor with their favor, to introduce into their daily intercourse, men who wished neither for honest ends nor honest means; who desired but the gross satisfaction of their private interests, by the aid of the power confided to them."

After citing one scandalous instance of a high office of trust conferred on a person notoriously corrupt, M. de Tocqueville added, "I do not regard this fact as a solitary one: I consider it the symptom of a general evil, the most salient trait of an entire course of policy. *In the paths which you have chosen for yourselves, you had need of such men.*"

As a consequence of these things, he appealed to the whole body of his hearers whether it was not true that —

"The sentiment, the instinct of instability, — that sentiment, the precursor of revolutions, which often presages them, and sometimes causes them to take place, — already exists to a most serious degree in the country. . . . Is there not a breeze of revolution in the air? This breeze, no one knows where it rises, whence it comes, nor (believe me) whom it sweeps away. . . . It is my deep and deliberate conviction, that public morals are degenerating, and that the degeneracy of public morals will lead you in a short, perhaps a very short time, to new revolutions. . . . Have you at this very hour the certainty of a to-morrow? Do you know what may happen in France in a year, in a month, perhaps even in a day? You do not; but this you know, — that the tempest is in the horizon; that

it is marching towards you : will you suffer yourselves to be overtaken by it?

“Several changes in legislation have been talked of. I am much inclined to believe that such changes are not only useful, but necessary. I believe in the utility of electoral reform, in the urgency of excluding placemen from parliament. But I am not so senseless as to be unaware, that it is not the laws in themselves which make the destiny of peoples ; no, it is not the mechanism of the laws which produces the great events of the world : it is the spirit of the government. Keep your laws if you will, though I think it a great error ; keep them, — keep even the men, if you like ; I for my part will be no obstacle : but, in Heaven’s name, change the spirit of the government ; for, I say it again, that spirit is hurrying you to the abyss.”

The other document which shall be cited in proof that the natural consequences of Louis Philippe’s system of government were foreseen by near observers is the evidence of M. Goudchaux, banker at Paris, and for some months Minister of Finance to the Republic ; delivered before the Commission d’Enquête on the events of May and June last. M. Goudchaux, who said in his place in the Assembly that the Revolution had come too soon, nevertheless declared in his evidence, that he and some of his political friends felt so convinced that it was impending, that, a few days before it broke out, they held a meeting at his house to arrange a list of names for a Provisional Government, but disagreed on the question whether to admit or to exclude from the number M. Louis Blanc.

The Revolution, therefore, which appears to Lord Brougham in the singular character of an event without a cause, was so much the natural result of known causes

as to be capable of being foreseen ; and when what had been foreseen by the more discerning actually came to pass, even the undiscerning recognized in it the legitimate consequence of a just popular indignation. M. Garnier-Pagès was justified in his apostrophe, in the National Assembly, on the 24th of last October : —

“I ask it of everybody, Did not every one, in the first days, agree that the Revolution which had been accomplished was moral, still more than political? Did not every one agree that this great renovation had been preceded by a real and terrible re-action against corruption, and emanated from all that was honest and honorable in the hearts of the French nation?”\*

Contrast these representations of the state of the national mind preceding the Revolution, by persons really acquainted with it, with the following specimen from Lord Brougham’s pamphlet : “The lesson is taught by the experience of February, 1848, that to change” the form of government of France “requires no long series of complaints, no suffering from oppression, whether chronic or acute, no indignation at abuses, no combination of parties to effect a change, no preparation for converting the opposition to a ministry into a war with a dynasty.” The writer has not the most ordinary knowledge of the public events of his own time. The war with the dynasty began as early as

\* “Je le demande à tous, Este-ce que tout le monde, dans les premiers jours, ne convenait pas que la Révolution qui venait de s’accomplir était politique et morale, morale surtout? Est-ce que tout le monde ne convenait pas que cette grande rénovation avait été précédée par une réaction réelle et terrible contre la corruption, et faite par tout ce qu’il y avait d’honnête dans le cœur de la France?”

1831, and was first compelled to mask itself under opposition to a ministry, when the laws of September had made it impossible to attack, through the press, either the king or the monarchy, without the certainty of being ruined, and reduced to silence. But public feeling, once sufficiently roused, will force a way through all obstacles; and, in spite of the gagging laws, much of the opposition to the government had latterly become almost avowedly a war against the king. "There was little personal disrespect shown," says the pamphlet, "towards the illustrious prince." The main political feature of the six months preceding February was the reform banquets; and the most marked circumstance attending these was the repeated premeditated omission, in most of them, to drink the king's health. Lord Brougham reproaches the reformers with not trusting to "repeated discussion and the exertion of the popular influence" for effecting a reform of the Constitution by a vote of parliament. They had little encouragement to rely on such means. The very corruption which was ruining the government in the general opinion was strengthening it with the narrow and jobbing class who returned a majority of the Chamber. A general election had occurred the summer previous; and the ministerial majority had gained, not lost, in numbers by it. Lord Brougham boasts, through many pages, of the feat performed by Lord Grey's ministry in effecting a great change in the Constitution (the first such change in history which was so accomplished) without an insurrection. But was it without the *fear* of an insurrection? If there had been no chance of a rising, would the House of Lords have waived their

opposition, or the Duke of Wellington have thrown up the game in despair? If, in England, the mere demonstration of popular force sufficed to effect what elsewhere required its actual exertion, it was because the majority of even the unreformed House of Commons was elected by constituencies sufficiently large for a really powerful and unanimous popular determination to reach it, and because the political usages and long-standing liberties of England allowed of popular meetings and political unions without limit or stint. To the French reformers these means of peaceful demonstration were denied. The nearest approach to them allowed by French law was the reform dinners; and these, as soon as they began to produce an effect, the government forbade; reviving for that purpose a decree passed in the stormiest period of the first Revolution. It was when this last resource was denied that popular indignation burst forth, and the monarchy was destroyed.

There never was a greater blunder than to speak of the French Republic as an "improvised government," — "struck out at a heat," — "the result of a sudden thought," — "span-new, untried, and even unthought of." The Revolution, indeed, was unpremeditated, spontaneous: the republican leaders had no more to do with effecting it than the socialist leaders had with the insurrection of June last. But the republicans, immediately after the crisis, became the directors of the movement, because they alone, of the various sections of the French people, had not to improvise a political creed, but already possessed one. It would require a degree of ignorance of French political discussion from

1830 to 1848, which one would not willingly impute even to the author of the "Letter to the Marquess of Lansdowne," not to know, that, during those years, republicanism, instead of being "unthought of," had both been thought of and talked of, in every variety of tone, by friends and enemies, in all corners of France; that several formidable insurrections had broken out in its name; that many well-known chiefs had been, and some still were, in the prisons of Ham, Doullens, and Mont St. Michel, for acts done in its behalf; and that, except the remaining adherents of the elder branch, a republic entered into the calculations of all who speculated either on the dethronement of Louis Philippe, or on the minority of his successor. If William III. had been dethroned for following the example of James II., would the people of this country have put a child on the throne, or sent for some other Prince of Orange from beyond sea? Would they not, almost certainly, have fallen back on the Commonwealth? What the English of the seventeenth century would assuredly have done, the French might do in the nineteenth without exciting surprise. And it was the more to be expected that they would do so, since constitutional royalty is in itself a thing as uncongenial to the character and habits of the French, or any other people of the European continent, as it is suited to the tone of thought and feeling characteristic of England.

From causes which might be traced in the history and development of English society and government, the general habit and practice of the English mind is compromise. No idea is carried out to more than a small portion of its legitimate consequences. Neither

by the generality of our speculative thinkers, nor in the practice of the nation, are the principles which are professed ever thoroughly acted upon : something always stops the application half way. This national habit has consequences of very various character, of which the following is one. It is natural to minds governed by habit (which is the character of the English more than of any other civilized people), that their tastes and inclinations become accommodated to their habitual practice ; and, as in England no principle is ever fully carried out, discordance between principles and practice has come to be regarded, not only as the natural but as the desirable state. This is not an epigram or a paradox, but a sober description of the tone of sentiment commonly found in Englishmen. They never feel themselves safe unless they are living under the shadow of some conventional fiction, — some agreement to say one thing, and mean another. Now, constitutional royalty is precisely an arrangement of this description. The very essence of it is, that the so-called sovereign does not govern, ought not to govern, is not intended to govern, but yet must be held up to the nation, be addressed by the nation, and even address the nation, as if he or she did govern. This, which was originally a compromise between the friends of popular liberty and those of absolute monarchy, has established itself as a sincere feeling in the mind of the nation, who would be offended, and think their liberties endangered, if a king or a queen meddled any further in the government than to give a formal sanction to all acts of Parliament, and to appoint as ministry, or rather as minister, the person whom the majority in Parliament pointed out ;

and yet would be unaffectedly shocked, if every considerable act of government did not profess and pretend to be the act and mandate of the person on the throne. The English are fond of boasting that they do not regard the theory, but only the practice, of institutions ; but their boast stops short of the truth : they actually prefer that their theory should be at variance with their practice. If any one proposed to them to convert their practice into a theory, he would be scouted. It appears to them unnatural and unsafe either to do the thing which they profess, or to profess the thing which they do. A theory which purports to be the very thing intended to be acted upon fills them with alarm : it seems to carry with it a boundless extent of unforeseeable consequences. This disagreeable feeling they are only free from, when the principles laid down are obviously matters of convention, which, it is agreed on all parts, are not to be pressed home.

It is otherwise in France ; so much so, that few Frenchmen can understand this singular characteristic of the English mind, which, seen imperfectly and by glimpses, is the origin of those accusations of profound hypocrisy, mistakenly brought by many foreigners against the English nation. Englishmen, on their part, can in general as little understand the comparative simplicity and directness of Continental notions. The French impatience of discrepancy between theory and practice seems to them fancifulness, and want of good sense. It was a Frenchman, not an Englishman, who erected the English practice of constitutional monarchy into a theory ; but his maxim, *Le roi règne, et ne gouverne pas*, took no root on the other side of the



Channel. The French had no relish for a system, the forms of which were intended to simulate something at variance with acknowledged fact. Those who were for a king at all, wanted one who was a substantial power in the State, and not a cipher: while, if the will of the nation was to be the government; if the king was to do nothing but register the nation's decrees, — both the reason and the feelings of the French were in favor of having those decrees pronounced directly by the people's own delegates.

A constitutional monarchy, therefore, was likely in France, as it is likely in every other country in Continental Europe, to be but a brief halt on the road from a despotism to a republic. But though a republic, for France, was the most natural and congenial of all the forms of free government, it had two great hinderances to contend with. One was the political indifference of the majority, — the result of want of education, and of the absence of habits of discussion and participation in public business. The other was the dread inspired by the remembrance of 1793 and 1794; a dread which, though much weakened since 1830, did and does in some measure subsist, notwithstanding what was so promptly done by the Provisional Government to disconnect the new republic from whatever was sanguinary in the recollections of the old. These two causes prevented the French nation in general from demanding or wishing for a republican government; and, as long as those causes continue, they will render its existence, even now when it is established, more or less precarious.

The Provisional Government knew this. They had no illusions. They were not blind to any of their diffi-

culties. The generation of which they were a part has neither the ardent faith nor the boundless hope which belonged to the era of its predecessors, and which made it easy for an entire people to be transformed into heroes. It has been publicly stated, that of the eleven members of the Provisional Government, though all or nearly all were republicans, M. Ledru Rollin alone, before the 24th of February, thought that the time had yet come for a republic; and even he, it would appear, in reliance less on what the public sentiment already was than on what it might in his opinion be made. It will be the immortal glory of these men with posterity, that they did not need the illusions of political inexperience to make them heroes; that they could act out their opinions with calm determination, without exaggerating to their own minds the measure of success, the amount of valuable result, which probably awaited them. They might regret that the nation was not better prepared for the new *régime*; but, when the old had perished, it was not for them to decide that the institutions of their own preference were too good for their countrymen, but to try whether a republican government, administered by sincere republicans, if it did not find the French people republicans, could make them so.

With this noble hope, the members of the Provisional Government, if intentions can be judged from acts, accepted the power which was thrust upon them; and whoever passes judgment on their proceedings according to any other idea of the problem which lay before them is an incapable appreciator of the situation and its exigency, and grossly unjust to the men.

Never had any man, or set of men, suddenly raised to

power, a more complicated task before them. It was a more difficult achievement in their case to govern at all than in the case of almost any other government to govern well. They were nominal dictators, without either soldiers or police whom they could call to their assistance; without even any organized body of adherents. They were absolute rulers, with no means of enforcing obedience. And they actually did rule Paris, for two whole months succeeding a revolution, by means of such obedience only as was given voluntarily. This is the part of their conduct, which, to a certain extent, has had least injustice done to it, since it has commonly been admitted to have been a difficult and a meritorious achievement. But the unwilling acknowledgment of merit has stopped in generals: there is hardly one of the acts by which this great feat was accomplished, that has not since been made a subject of reproach to them; though not until the emergency had passed away, and conduct of which the whole benefit had been reaped could now be criticised at leisure. Lord Brougham, among others, cannot tolerate the speeches by which they calmed the popular effervescence, — speeches for which, at the time when they were made, the speakers were worshipped almost as gods by the frightened Parisian *bourgeoisie*. One would have thought that men whose almost sole engine of government for months, which in times of revolution are ages, was the effect which they could produce by haranguing an armed populace; who had daily to persuade that populace to forego its demands, at the peril of their lives if it persisted in them; and who succeeded in that object, and kept the frame of government in existence

until things became quiet, and authority resumed its course, — might claim some indulgence as to the means by which this truly wonderful success was attained. One hardly expected to hear them taunted with fulsome flattery and mob-sycophancy because they gave fair words to those whose good-will was all they had to depend on for preventing confusion. One would have thought, too, that a people, or a populace if the term is preferred, who actually were induced, by fair words alone, to make themselves a voluntary police, and preserve such order in a great capital that the offences committed were fewer than in ordinary times, deserved some praise from their temporary rulers, and might receive it without subjecting these to any imputation of time-serving. But Lord Brougham cannot admit that any praise can be due to a people who make barricades, and turn out a government. One of the most unworthy points in his pamphlet is the abusive tone and language into which he breaks out, every time that he has occasion to speak of the working-classes; of those among them, at least, who meddle in insurrections, or think they have any thing to do with the government except to obey it. "Rabble," "dregs of the populace," "armed ruffians," are his expressions for the most intelligent and best-conducted laboring class, take it for all in all, to be found on the earth's surface, — the artisans of Paris. His determination to refuse them every particle of honor must be inveterate indeed, since he will not allow them even courage: he will not so much as admit that they actually fought! — the many hundreds of killed and wounded being, it must be supposed, the product of accident.

Even fairer opponents than the pamphleteer, while giving deserved credit to the Provisional Government for having overcome the tremendous difficulty of governing and preserving order, have passed a severe judgment upon the measures of legislation and administration which were adopted by this temporary authority. Some of their acts are censured as exceeding the legitimate powers of a Provisional Government, and deciding questions which ought to have been reserved for the appointed representatives of the nation. Others are condemned as ill-judged and pernicious in themselves.

How far these charges are merited, it will be easier to judge, if we place ourselves in the situation of these men, and endeavor to realize, in imagination, the demands which their position made upon them.

What would have been the proper conduct of men, who, believing a democratic republic to be not only in itself the sole form of government which secures due attention to the interests of the great body of the community, but also calculated to work well in their own country, — believing, however, that the majority of their countrymen were indifferent, and a great portion averse to it, — found themselves unexpectedly placed, by an insurrection of their own supporters, in a position in which it seemed in their power to direct, for some time to come, the current of events? Were they to attempt nothing in favor of their own opinions? Were they to assume no initiative? Were they merely to keep things quiet, and *in statu quo*, until the apathetic majority could come together, and spontaneously determine whether they would have what these, the leaders, thought the best institutions, or what they regarded as

the worst? Were the noblest spirits and most enlightened minds in the country to employ an opportunity, such as scarcely occurs once in a thousand years, in simply waiting on the whims and prejudices of the many? Were they, who, even on the showing of this pamphlet, formed the only party which had fixed principles and a strong public spirit, to leave all to the decision of those who either had only mean and selfish objects, or had not yet acquired any opinions? Had they done so, they would have deserved to be stigmatized in history as the veriest cravens who ever marred by irresolution the opening prospects of a people.

The democratic principles of these men forbade them to impose despotically, even if they had the power, their political opinions upon an unwilling majority, and compelled them to refer all their acts to the ultimate ratification of a freely and fairly elected representative assembly. But the sovereignty of the whole people does not mean the passiveness of individuals, — the negation of all impulse, of all guidance, of all initiative, on the part of the better and wiser few. The more firmly resolved were these men to stand by the government of the majority, even if it did not adopt their opinions, the more incumbent was it on them to spare no pains for bringing over the majority to them. Their great task was to republicanize the public mind; to strive by all means, apart from coercion or deception, that the coming election should produce an assembly of sincere republicans. And since this could not but, at the best, be regarded as doubtful, they were bound, as far as prudence permitted, to adopt provisionally as many valuable measures as possible, — such measures as the

future Assembly, though it might have hesitated to pass, would not perhaps venture to abrogate. These two things the Provisional Government did in some measure attempt; and, though the enemies of popular institutions have clamored against them as if they had carried both these courses of action to the most abominable extremities, posterity will have more reason, not for censure, but for regret, that they did not venture far enough in either.

Among their proceedings which aimed at the first object, that of republicanizing the nation, those which have been most commented on were the sending of the much-talked-of commissioners to the departments, and M. Ledru Rollin's and M. Carnot's famous bulletins and circulars.

The deputation of commissioners into all parts of France, to explain what had taken place, to represent the new government, and supersede the authorities appointed under the previous *régime*, seems so natural and indispensable a proceeding, that the storm of disapprobation which it encountered is only a proof of the blind suspicion and distrust with which the provinces received all they did, and which was one of the greatest difficulties of their situation. Much scandal was given by an expression in M. Ledru Rollin's instructions to the commissioners, telling them that their powers were unlimited. Was it not the very necessity of the case, that the authority of the Provisional Government was for the time unlimited, that is, unfettered by any constitutional restraints? and could they have gone on without imparting to their sole representatives in the provinces, subject to responsibility to themselves, the

fulness of their own power? Not the power assumed, but the use made of it, is, in a time of revolution, the criterion of right or wrong. The Provisional Government knew that these commissioners, so ridiculously compared to the terrible proconsuls of the Convention, were in small danger of being tempted to any over-exertion of power. They knew that their delegates, like themselves, depended on voluntary obedience for being able to exercise any power at all. These formidable despots, who are painted in as frightful colors as if they had carried with them a guillotine *en ambulance*, were more than once simply taken by the hand, and led out of the town on their way back to Paris. The selection of persons for these appointments has also been much cavilled at. Lord Brougham revives the almost forgotten calumny, that "one of his" (M. Ledru Rollin's) "commissioners had been a felon, condemned to the galleys, and had undergone the punishment." Any one, who has taken as much pains to be informed as is implied in merely reading the French newspapers, knows that the person alluded to was not a delegate of the government or of M. Ledru Rollin, but of the clubs. Mistakes, no doubt, were made in the rapid selection of so great a number of persons, in whom zeal for the principles of the Republic, being the most essential requisite, excluded many persons in other respects eligible. But the maligners of the Provisional Government may be challenged to deny, that the great majority of the selections did honor both to the choosers and to the chosen; that a large proportion acquired, in the districts to which they were sent, great and well-merited popularity, and contributed largely to rally those parts



of France to the cause of the Republic ; that many are now (or were, up to M. Léon Faucher's recent ejection *en masse*) prefects, with general approval, of the departments to which they were delegated ; and that, where errors had been committed, they were at once corrected as soon as brought to light.

As little ground is there for the imbittered denunciations against the circulars and proclamations. Two only of these documents gave cause for just criticism,—the famous sixteenth bulletin, and M. Carnot's circular. The former was withdrawn on the very day of its appearance, and was afterwards declared to have been published by the mistake of a clerk ; the draft never having been seen or approved by the minister or by his secretary. M. Carnot, in his celebrated circular, though he expressed himself unguardedly, could never, by any candid reader, be supposed to mean any thing but what he has always declared that he did mean,—to impress on those to whom the document was addressed, that it was more important, at that particular juncture, that the assembly to be selected should consist of sincere republicans, than that it should contain the greatest possible number of lettered and instructed men ; he knowing, as he had good reason to know, that, in the greater part of France, most of those who had gained a reputation as men of letters and acquirements under the old *régime*, like most others who had thriven under that corrupt system, were not to be relied on by the new. It is false that M. Carnot disparaged knowledge or panegyricized ignorance. He declared, on the contrary, that to make laws and a constitution was a task for the intellectual *élite* of France. But were nine hundred

men of talent, nine hundred talkers, needed, or capable of being made useful, for such a task ? While thinking only of the exigencies of the moment, M. Carnot gave expression, perhaps unwittingly, to a great general truth. It is not the business of a numerous representative assembly to make laws. Laws are never well made but by a few, — often best by only one. The office of a representative body is, not to make the laws, but to see that they are made by the right persons, and to be the organ of the nation for giving or withholding its ratification of them. For these functions, good sense, good intentions, and attachment to the principles of free government, are the most important requisites. Highly cultivated intellect is not essential, even if we could expect to find it, in more than a select few ; and as for that superficial cleverness, — that command of words, and skilful management of commonplaces, which pass for talent and instruction on the hustings, at public meetings, and in society, — most really cultivated persons, we believe, are agreed in opinion, that, of this, all legislative assemblies have, and are likely to have, a much greater abundance than at all, conduces to the ends for which they purport to exist.

When such are the worst things that can be charged against the Provisional Government, their conduct must indeed be free from serious reproach. In this particular matter, — the management of the elections, — their behavior, in all that is known of it, will bear comparison with that of any government in any country. Probably no government that ever existed, certainly no French government, practised so entire an abstinence from illegitimate influence — from any employment what-

over of government influence — to procure elections in their own favor. It is not intended to claim merit for them on this account; their principles required it: but let it be said, that, under great temptations, they were true to their principles. It is an unfortunate fact, that in many things besides this, had they been less disinterested, less upright, less determined to rely solely on the power of honesty, they would probably have effected more both for themselves and for their cause. It is because they persisted in their resolve to owe nothing to any other than fair means that they have been precipitated from power; and, among many varieties of calumny, have not escaped even those charges from which their whole conduct had borne the stamp of the most evident determination to keep free.

It would be astonishing (if the impudence of party calumny could astonish any one) to observe what are the crimes of which the detractors of this noble body of men have accused, and are not ashamed still to continue accusing them. They are even now spoken of in newspapers as if their management of the elections had been something almost unexampled in tyranny and turpitude; and all this time neither a bribe nor a threat, either to an elector or to a body of electors, has been proved, or it may almost be said alleged, against them. If the verdict of history was gathered from the assertions of cotemporaries, what contempt would it inspire for the judgment of posterity on eminent characters, when we find that these men have been charged individually with embezzling money from the treasury; that even M. de Lamartine has thought it necessary to lay before the public the details of his private fortune and

pecuniary transactions, in order to extinguish the slander beyond possibility of revival! Not without cause: for, though malignity itself is not shameless enough any longer to repeat the charge against him personally, his exculpation has not liberated his colleagues; and there have appeared within these few weeks, in more than one English newspaper, articles in which the financial administration of the Provisional Government has been spoken of as one mass of profligate malversation. There is nothing which the spirit that pursues these men would not dare to assert, when it can venture on this. One member of the Provisional Government has been made a mark for greater inveteracy of assault than the rest, — M. Ledru Rollin. Everybody has heard scandalous stories concerning him; and, in his case, some of these were specific, and accompanied with names and circumstances. If those which did not enter into particulars had no better foundation than those which did, M. Ledru Rollin, as to pecuniary integrity, is the statesman of most unimpeachable character in Europe; for every accusation of the kind that we are acquainted with, which had any tangible character, was investigated by the Commission d'Enquête, and disproved by the evidence of the persons alleged to have been connected with it. In England, his assailants, and those of his colleagues, seized the opportunity of the appearance of a mass of evidence which they knew nobody would read, to affirm (it must in charity be supposed, without having read it themselves) that it substantiated all the floating rumors of misconduct, and covered the members of the government with indelible disgrace. In France, it was felt even by their enemies

to have entirely failed of eliciting the disclosures which had been expected from it. M. Ledru Rollin instantly rose many degrees in public estimation, and has occupied, since those documents appeared, a position of greater political importance than before.

To speak now of those measures of the Provisional Government which partook of a legislative character; for none of which Lord Brougham can find any other purpose than "to retain the people's favor." Assuredly, to retain that favor, at such a time, was as virtuous an object, considering what depended on it, as any of those which influence the course of legislation in ordinary times. Yet if it is meant to be said, that for the sake of the people's favor they performed one act, issued one single edict, which did not, in and for itself, commend itself to them as a thing fit to be done, the assertion is gratuitous, and in opposition to all that is known of the case. Many things were done hastily, to make sure of their being done at all; some were done which it has since been necessary to undo; but no one thing can they be shown to have done, which was not such as, in their deliberate opinion, ought to have been done.

Lord Brougham regards the immediate abolition of colonial slavery as a hasty measure, and beyond the powers of a Provisional Government. Considering what proved to be the character of the National Assembly, who can say, if this great act of justice had been left for it to do, how long a time would have passed before it would have found the leisure or the will to perform it? Financial difficulties, which have gathered so heavily round the infant Republic, would have been

enough of themselves to have caused the postponement of emancipation, if it was to be preceded, not followed, by compensation. The government did at once what required to be so done: they struck off the fetters of the slave, knowing, and because they knew, that the act, once done, was irrevocable. By thus acting, they not only made sure from the first, that, whatever else might happen, some hundreds of thousands of human beings should have permanent cause to bless the Revolution, but averted the chances of civil war and massacre consequent on the indefinite withholding, in such circumstances, of so clear a right. The indemnification of the owners they left to the future Assembly; but committed the French nation, as far as it was in the power of a government to commit them, to that act of justice.

Lord Brougham talks also of "their incredible decree making all judges hold office during pleasure, and by popular election;" thus placing "the administration of justice in the hands of the populace." After this positive assertion, some persons may be surprised to be told that no such decree ever existed. What the writer was confusedly thinking about must have been the act which removed about half a dozen judicial functionaries from office, declaring in the preamble that the inamovability of judges was inconsistent with republican principles. They may have been, and we think they were, wrong in this: but the opinion is one held by a large portion of the republican party; and several of the best writers on judicial establishments, both in France and in England, have sanctioned it by their authority.

A more important subject than this is M. de Lamartine's circular to the diplomatic agents of the French Government, otherwise known as his "*Manifeste aux Puissances*," declaratory of the foreign policy of the new Republic. This has been made by Lord Brougham the occasion of an attack on M. de Lamartine, which surpasses, in its defiance of fact, almost every other specimen of misstatement in this most uncandid pamphlet.

The Provisional Government, he alleges, by this manifesto, —

"Held out the hand of fellowship to the insurgents of all nations. . . . M. Lamartine does not and he cannot deny, that he assured the people of all other countries of assistance from France in case they should fail to work out by force their own emancipation; in other words, he promised that France would help all insurgents who might be defeated by their lawful rulers in their rebellion against established authority. Beyond all question, this is the very worst thing that France has done; the most sinning against all principle, the most hurtful to herself and to the world."

In this style he continues for several pages, with the volume before him, or (as the context proves) fresh in his recollection, which, together with M. de Lamartine's defence of his administration, contains a reprint of every speech and every public document which proceeded from him during his "three months in power." Not one of these contains any thing resembling what M. de Lamartine, as the organ of the French Government, is here charged with having said.

The "*Manifeste aux Puissances*" is, both in spirit and in letter, a declaration of the intention of the French Republic to remain at peace. The only pas-

sages which admit of any other construction shall be quoted at length, to leave no excuse for those who may imagine that what is so positively asserted, and, if false, may be so easily confuted, must be true.

“The treaties of 1815 no longer exist as obligatory, in the opinion of the French Republic; but the territorial boundaries fixed by those treaties are an existing fact, which the Republic admits as a basis and a starting-point in its relations with other countries.

“But while the treaties of 1815 no longer exist except as a fact, to be modified by common agreement; and while the Republic openly declares that it has a right and a mission to arrive regularly and pacifically at such modifications,—the good sense, the moderation, the conscience, the prudence, of the Republic exist, and are for Europe a better and more honorable guaranty than the letter of those treaties which she herself has so often violated or modified.

“Apply yourself, sir, to make this emancipation of the Republic from the treaties of 1815 understood and admitted, and to point out that this liberation is in no respect irreconcilable with the repose of Europe.

“We avow openly, that *if the hour of reconstruction for certain oppressed nationalities in Europe or elsewhere appeared to us to have sounded in the decrees of Providence*; if Switzerland, our faithful ally since Francis I., were constrained or menaced in the movement which is taking place within her to lend an additional force to her band of democratic governments; if the independent States of Italy were invaded; if the attempt were made to impose limits or obstacles to their internal transformations, or to contest by force of arms their right of allying themselves with each other to consolidate a common country,—the French Republic would consider itself at liberty to take arms for the protection of these legitimate movements of growth and of nationality.”



Does this promise "that France would help all insurgents who might be defeated by their lawful rulers"? Can the most perverse ingenuity find in the preceding words one vestige of a suggestion of such an intention? M. de Lamartine claimed for his country the right, according to its own discretion and judgment, to assist any nation which might be struggling to free itself from the yoke of foreign conquerors. Assistance against foreigners, not against native rulers, was the only assistance of which the smallest mention was made; and the first of the supposed cases, that of an extinguished nationality, was the only one which had any thing to do with "insurrection," even against foreigners. And in that there was not only no promise, but an express reservation to the French Government to judge for itself whether the "hour of reconstruction" had arrived or not.

But it is not necessary to rely solely on the words of the manifesto. M. de Lamartine had the advantage, in this case, of being his own commentator. The manifesto was issued on the 4th of March. On the 19th of that month, M. de Lamartine received a deputation of Poles, and a deputation of Irish on the 3d of the month following. Both these deputations asked for the succor which it is pretended that he had promised to all who might be defeated in a "rebellion" against "their lawful rulers." To both, all succor was refused. It is an abuse of the privilege of short memory to have already forgotten declarations which made no little sensation when delivered, and had no slight influence on the subsequent course of events in Europe.

To the Poles he said, —

"The Republic is not at war, either open or disguised, with any existing governments, so long as those governments do not declare themselves at war with France. The Republic will neither commit, nor voluntarily suffer to be committed, any act of aggression and violence against the Germanic nations. . . . The Provisional Government will not allow its policy to be altered by a foreign nation, however greatly we sympathize with it. We love Poland, Italy, all oppressed peoples; but, above all, we love France, and we are responsible for its destinies, and perhaps for those of Europe at the present moment. This responsibility we will resign to no one but to the nation itself. The Republic must not, and will not, act in contradiction to its professions: the credit of its word is at stake, and shall never be forfeited. What have we said in our 'Manifeste aux Puissances'? We said, thinking particularly of you, Whenever it shall appear to us that the time fixed by Providence for the resurrection of a nationality unjustly blotted out from the map has arrived, we shall fly to its assistance; but we have, with good right, reserved to France what belongs to her alone, — the appreciation of the hour, the moment, the justice, the cause, and the means by which it would be fitting for us to intervene. The means which up to this time we have chosen and resolved on are pacific."

To the Irish, after expressing a warm sympathy with Ireland as identified with "liberty courageously defended against privilege," that is, with the conquests of peaceful agitation, he said, —

"Any other encouragements it would be improper for us to give, or for you to receive. I have already said it *à propos* of Switzerland, of Germany, of Belgium, and Italy. I repeat it in the case of every nation which has disputes to adjust, either within itself or with its government. Those whose

own blood is not concerned in the affairs of a people are not free to intervene in its affairs. We are of no party, in Ireland or elsewhere, except the party of justice, of liberty, and of the people's welfare.

"We are at peace, and we desire to remain in friendly and equal relations, not with this or the other portion of Great Britain, but with Great Britain itself. We think this peace useful and honorable, not only for Great Britain and the French Republic, but for the human race. We will do no act, speak no word, utter no insinuation, contradictory to the principles of the reciprocal inviolability of nations, which we have proclaimed, and of which the Continent is already reaping the fruits. The monarchy had its treaties and its diplomatists: our diplomatists are peoples, and their sympathies are our treaties. We must be senseless to exchange this diplomacy, in open daylight, for underhand and separate alliances with parties, even the most legitimate, in the countries which surround us. We have no title to judge them, nor to prefer one of them to another. Declaring ourselves friends of one would be proclaiming ourselves enemies of another. We do not desire to be enemies of any of your countrymen: we desire, on the contrary, to dissipate, by the loyalty of our republican word, the prepossessions and prejudices which may exist between our neighbors and ourselves."

Many will recollect (for much notice was taken of it at the time) the passage which followed these last words; declaring that he never would imitate the conduct of Pitt, when, even during an acknowledged war, he abetted Frenchmen in carrying on in La Vendée an armed contest against their own countrymen.

This contrast between what M. de Lamartine really said on the subject of affording aid to foreign insurrection, and what it suits the author of the pamphlet

to make him say, speaks for itself without further comment.

What was really new and peculiar in M. de Lamartine's manifesto, consisted, as has been seen by the extracts, in two things. He repudiated the treaties of 1815; and he asserted a right, though without admitting an obligation, to afford military aid to nations attempting to free themselves from a foreign yoke.

To discuss these fundamental points of M. de Lamartine's declaration in the manner which they deserve would require much more space than can be afforded to it. The topics are among the most delicate in political ethics: they are concerned with that nice question, the line which separates the highest right from the commencement of wrong; where one person regards as heroic virtue what another looks upon as breach of faith, and criminal aggression. To one like Lord Brougham, who is ostentatiously and to his inmost core a man of the last century, M. de Lamartine's principles must naturally appear extremely scandalous.

M. de Lamartine repudiated certain treaties. He declared them no longer binding on France. Treaties are national engagements; and engagements, when in themselves allowable, and made by persons who have a right to make them, should be kept: who ever denied it? But another thing must be admitted also, and always has been admitted by the morality and common sense of mankind. This is, that engagements extorted by a certain kind and measure of external force are not binding. This doctrine is peculiarly applicable to national engagements imposed by foreign

armies. If a nation has, under compulsion, surrendered its independence to a conqueror, or even submitted to sacrifices of territory or dignity greater than according to general opinion could reasonably be imposed, the moral sentiment of mankind has never held engagements of this sort to preclude the nation from re-asserting its independence, or from again resorting to arms, in order that what had been lost by force might be recovered by force. On what other principle were Prussia and Austria justified in breaking their treaties with Napoléon after his disasters in Russia? This was the situation of France with respect to the treaties of 1815. They were imposed by conquest, and were agreed to and signed by an intrusive government, while the territory of the nation was occupied by foreign armies. The nation did not consent to them for an equivalent advantage, but submitted to them because it was prostrate at the feet of the invaders, and had no power to refuse any thing which they might think fit to demand. Such treaties are never understood to bind nations any longer than they find it their interest to acquiesce in them. M. de Lamartine had no need to rest on the fact that these same treaties have been repeatedly remodelled, and in some cases actually violated, by others of the contracting powers; as in the whole treatment of Poland, and remarkably in the very recent instance of Cracow. Nor is it even necessary to consider what the conditions of the treaties were, and to what extent they were dishonorable or injurious to France. Into this question M. de Lamartine did not profess to enter. He simply claimed the right of deciding it, as inherent in and never foregone by

France. He denied any moral obligation to keep the treaties; but he disavowed any intention of breaking them. He accepted their territorial and other arrangements as existing facts, to be modified only by mutual consent, or by any of those contingencies which in themselves he deemed legitimate causes of war. If it was possible to have assumed any attitude towards those treaties more just and legitimate, more moderate and dignified, more wisely uniting the re-assertion of the nation's own proper freedom of action with the regard due to the just rights and security of its neighbors, the world will be obliged to any one who will point it out.

But the doctrine, that one government may make war upon another to assist an oppressed nationality in delivering itself from the yoke!—this offends Lord Brougham more than every thing else. Such a breach of received principles, such defiance of the law of nations, he finds no words too strong to designate. He can hardly think of any thing bad enough to compare it with. And it would be vain to deny, that in this he is backed by a large body of English opinion. Men who profess to be liberal are shocked at the idea that the King of Sardinia should assist the Milanese in effecting their emancipation. That they should assert their own liberty, might be endured; but that any one should help them to do it, is insupportable. It is classed with any unprovoked invasion of a foreign country; the Piedmontese, it would seem, not being fellow-countrymen of the people of Venice and Milan, while the Croats and the Bohemians are.

May we venture, once for all, to deny the whole

basis of this edifying moral argumentation? To assist a people struggling for liberty is contrary to the law of nations: Puffendorf perhaps does not approve of it; Burlamaqui says nothing about it; it is not a *casus belli* set down in Vattel. So be it. But what is the law of nations? Something which, to call a law at all, is a misapplication of terms. The law of nations is simply the custom of nations. It is a set of international usages, which have grown up like other usages, partly from a sense of justice, partly from common interest or convenience, partly from mere opinion and prejudice. Now, are international usages the only kind of customs, which, in an age of progress, are to be subject to no improvement? Are they alone to continue fixed, while all around them is changeable? The circumstances of Europe have so altered during the last century, that the constitutions, the laws, the arrangements of property, the distinctions of ranks, the modes of education, the opinions, the manners, — every thing which affects the European nations separately and within themselves, — has changed so much, and is likely to change so much more, that, in no great lapse of time, they will be scarcely recognizable; and is it in their collective concerns, their modes of dealing with one another, that their circumstances, their exigencies, their duties and interests, are absolutely unchanged? What is called the law of nations is as open to alteration, as properly and even necessarily subject to it when circumstances change or opinions alter, as any other thing of human institution.

And, mark, in the case of a real law, of any thing properly called a law, it is possible to maintain (how-

ever erroneous may be the opinion) that there is never any necessity for disobeying it; that it should be conformed to while it exists, the alternative being open of endeavoring to get it altered. But in regard to that falsely called law, the law of nations, there is no such alternative; there is no ordinance or statute to repeal: there is only a custom; and the sole way of altering that is to act in opposition to it. A legislature can repeal laws; but there is no Congress of nations to set aside international customs, and no common force by which to make the decisions of such a Congress binding. The improvement of international morality can only take place by a series of violations of existing rules; by a course of conduct grounded on new principles, and tending to erect these into customs in their turn.

Accordingly, new principles and practices are, and have been, continually introduced into the conduct of nations towards one another. To omit other instances, one entirely new principle was for the first time established in Europe, amidst general approbation, within the last thirty years. It is, that whenever two countries, or two parts of the same country, are engaged in war, and the war either continues long undecided, or threatens to be decided in a way involving consequences repugnant to humanity or to the general interest, other countries have a right to step in, to settle among themselves what they consider reasonable terms of accommodation; and, if these are not accepted, to interfere by force, and compel the recusant party to submit to the mandate. This new doctrine has been acted on by a combination of the great powers of Europe in three celebrated instances, — the interference between Greece



and Turkey at Navarino, between Holland and Belgium at Antwerp, and between Turkey and Egypt at St. Jean d'Acre. It is too late in the day, after these precedents, to tell us that nations may not forcibly interfere with one another for the sole purpose of stopping mischief and benefiting humanity.

Can any exigency of this sort be stronger — is any motive to such interference of a more binding character — than that of preventing the liberty of a nation, which cares sufficiently for liberty to have risen in arms for its assertion, from being crushed and trampled out by tyrannical oppressors, and these not even of its own name and blood, but foreign conquerors? The customs, or falsely called laws of nations, laid down in the books, were made for an age like that of Louis XIV., to prevent powerful and ambitious despots from swallowing up the smaller States. For this purpose they were well adapted. But the great interests of civilized nations in the present age are not those of territorial attack and defence, but of liberty, just government, and sympathy of opinion. For this state of things, what is called the law of nations was not made; and in no state of things at all analogous to this has that so-called law ever been, in the smallest degree, attended to. There was once in Europe a time, when, as much as at present, the most important interests of nations, both in their domestic and in their foreign concerns, were interests of opinion: it was the era of the Reformation. Did any one then pay the least regard to the pretended principle of non-interference? Was not sympathy of religion held to be a perfectly sufficient warrant for assisting anybody? Did not Protestants

aid Protestants wherever they were in danger from their own governments? Did not Catholics support all other Catholics in suppressing heresy? What religious sympathies were then, political ones are now: and every liberal government or people has a right to assist struggling liberalism, by mediation, by money, or by arms, wherever it can prudently do so; as every despotic government, when its aid is needed or asked for, never scruples to aid despotic governments.

A few observations may be permitted on the extreme contempt with which Lord Brougham denounces what he calls —

“That new-fangled principle, that new speculation in the rights of independent States, the security of neighboring governments, and indeed the happiness of all nations, which is termed *Nationality*, adopted as a kind of rule for the distribution of dominion. It seems,” he says, “to be the notion preached by the Paris school of the law of nations and their foreign disciples, that one State has a right to attack another, provided, upon statistically or ethnologically examining the classes and races of its subjects, these are found to vary. These sages of the international law do not, like their predecessor Robespierre (of whom they compose panegyrics), hold exactly that France may legally assail any sovereign who refuses to abdicate, and bestow upon his people the blessings of republican anarchy; but they hold, that, if any sovereign has two dominions inhabited by different races, France has a right to assist either in casting off his authority. She may intimate to him that he can only continue to rule over the people who are his countrymen; or, if he was born in neither territory, that he must be put to his election, and choose which he will give up, but cannot be suffered to keep both.”

It is far from our intention to defend or apologize for the feelings which make men reckless of, or at least indifferent to, the rights and interests of any portion of the human species save that which is called by the same name, and speaks the same language, as themselves. These feelings are characteristic of barbarians : in proportion as a nation is nearer to barbarism, it has them in a greater degree ; and no one has seen with deeper regret, not to say disgust, than ourselves, the evidence which recent events have afforded, that in the backward parts of Europe, and even (where better things might have been expected) in Germany, the sentiment of nationality so far outweighs the love of liberty, that the people are willing to abet their rulers in crushing the liberty and independence of any people not of their own race and language. But grievous as are these things, yet, so long as they exist, the question of nationality is practically of the very first importance. When portions of mankind, living under the same government, cherish these barbarous feelings ; when they feel toward each other as enemies or as strangers, and indifferent to each other, — they are scarcely capable of merging into one and the same free people. They have not the fellow-feeling which would enable them to unite in maintaining their liberties, or in forming a paramount public opinion. The separation of feeling which mere difference of language creates is already a serious hindrance to the establishment of a common freedom. When to this are added national or provincial antipathies, the obstacle becomes almost insuperable. The government, being the only real link of union, is able, by playing off one race and people against another, to

suppress the liberties of all. How can a free constitution establish itself in the Austrian Empire, when Bohemians are ready to join in putting down the liberties of Viennese, when Croats and Servians are eager to crush Hungarians, and all unite in retaining Italy in slavery to their common despot? Nationality is desirable as a means to the attainment of liberty; and this is reason enough for sympathizing in the attempts of Italians to reconstitute an Italy, and in those of the people of Posen to become a Poland. So long, indeed, as a people are incapable of self-government, it is often better for them to be under the despotism of foreigners than of natives, when those foreigners are more advanced in civilization and cultivation than themselves; but when their hour of freedom, to use M. de Lamartine's metaphor, has struck, without their having become merged and blended in the nationality of their conquerors, the reconquest of their own is often an indispensable condition, either to obtaining free institutions, or to the possibility, were they even obtained, of working them in the spirit of freedom.

There remains another measure of the Provisional Government, which opens a still wider field of difficult and important discussion than the preceding, — the recognition of the *droit au travail*; of an obligation on society to find work and wages for all persons willing and able to work, who cannot procure employment for themselves.

This conduct of the Provisional Government will be judged differently, according to the opinions of the person judging, on one of the most controverted questions of the time. To one class of thinkers, the acknowledg-

ment of the *droit au travail* may very naturally appear a portentous blunder ; but it is curious to see who those are that most loudly profess this opinion. It is singular that this act of the Provisional Government should find its bitterest critics in the journalists who dilate on the excellence of the Poor Law of Elizabeth ; and that the same thing should be so bad in France, which is perfectly right, in the opinion of the same persons, for England and Ireland : for the *droit au travail* is the Poor Law of Elizabeth, and nothing more. Aid guaranteed to those who cannot work, employment to those who can, — this is the Act of Elizabeth, and this the promise which it is so inexcusable in the Provisional Government to have made to France.

The Provisional Government not only offered no more than the promise made by the Act of Elizabeth, but offered it in a manner, and on conditions, far less objectionable. On the English parochial system, the law gives to every pauper a right to demand work, or support without work, for himself individually. The French Government contemplated no such right. It contemplated action on the general labor market, not alms to the individual. Its scheme was, that, when there was notoriously a deficiency of employment, the State should disburse sufficient funds to create the amount of productive employment which was wanting. But it gave no pledge that the State should find work for A or B. It reserved in its own hands the choice of its work-people. It relieved no individual from the responsibility of finding an employer, and proving his willingness to exert himself. What it undertook was, that there should always be employment to be found.

It is needless to enlarge on the incomparably less injurious influence of this intervention of the government in favor of the laborers collectively, than of the intervention of the parish to find employment individually for every able-bodied man who has not honesty or activity to seek and find it for himself.

The *droit au travail*, as intended by the Provisional Government, is not amenable to the commoner objections against a Poor Law. It is amenable to the most fundamental of the objections, — that which is grounded on the principle of population. Except on that ground, no one is entitled to find fault with it. From the point of view of every one who disregards the principle of population, the *droit au travail* is the most manifest of moral truths, the most imperative of political obligations.

It appeared to the Provisional Government, as it must appear to every unselfish and open-minded person, that the earth belongs, first of all, to the inhabitants of it; that every person alive ought to have a subsistence, before any one has more; that whosoever works at any useful thing ought to be properly fed and clothed before any one able to work is allowed to receive the bread of idleness. These are moral axioms. But it is impossible to steer by the light of any single principle, without taking into account other principles by which it is hemmed in. The Provisional Government did not consider, — what hardly any of their critics have considered, — that, although every one of the living brotherhood of humankind has a moral claim to a place at the table provided by the collective exertions of the race, no one of them has a right to invite additional strangers thither

without the consent of the rest. If they do, what is consumed by these strangers should be subtracted from their own share. There is enough and to spare for all who *are* born; but there is not and cannot be enough for all who *might* be born: and, if every person born is to have an indefeasible claim to a subsistence from the common fund, there will presently be no more than a bare subsistence for anybody; and, a little later, there will not be even that. The *droit au travail*, therefore, carried out according to the meaning of the promise, would be a fatal gift even to those for whose especial benefit it is intended, unless some new restraint were placed upon the capacity of increase, equivalent to that which would be taken away.

The Provisional Government, then, were in the right; but those are also in the right who condemn this act of the Provisional Government. Both have truth on their side. A time will come when these two portions of truth will meet together in harmony. The practical result of the whole truth might possibly be, that all persons living should guarantee to each other, through their organ the State, the ability to earn by labor an adequate subsistence, but that they should abdicate the right of propagating the species at their own discretion, and without limit; that all classes alike, and not the poor alone, should consent to exercise that power in such measure only, and under such regulations, as society might prescribe with a view to the common good. But, before this solution of the problem can cease to be visionary, an almost complete renovation must take place in some of the most rooted opinions and feelings of the present race of mankind. The majority, both of

the upholders of old things and of the apostles of new, seem at present to agree in the opinion, that one of the most important and responsible of moral acts, that of giving existence to human beings, is a thing respecting which there scarcely exists any moral obligation, and in which no person's discretion ought on any pretence to be interfered with, — a superstition which will one day be regarded with as much contempt as any of the idiotic notions and practices of savages.

The declaration of the *droit au travail* was followed by the creation of *ateliers nationaux*; which, indeed, was its necessary consequence; since, in the great falling-off of employment through the industrial stagnation consequent on the Revolution, it would neither have been honorable nor safe to make no commencement of fulfilling the promise given, and circumstances did not allow of improvising any better mode of temporary employment for the destitute. Some such measure would have been necessary after any revolution. In 1830, large sums were expended in setting the unemployed to work. It was the misfortune, not the fault, of the Provisional Government, that the numbers requiring employment were so much greater than at any former period, and that the other circumstances of the case were such as to render the creation of these *ateliers* eventually the greatest calamity of the time; since it soon became impossible to provide funds for continuing them, while the first attempt to dissolve them was likely to produce, and did in fact produce, the outbreak in June.

It was not the fall of the monarchy, or the foundation of the republic, that caused the complete temporary



paralysis of industry and commerce : it was the appearance on the stage of the unexpected and indefinitely dreaded phenomenon of Socialism ; and it was owing to the diffusion of Socialism among a portion of the laboring classes, that the first step towards the abolition of the *ateliers nationaux* became the signal for a determined attempt, by a large section of the workmen of Paris, to follow up the Republican Revolution by a Socialist one.

Let us here stop to consider what this new phenomenon termed Socialism is, in itself, and in its consequences.

Socialism is the modern form of the protest, which has been raised more or less, in all ages of any mental activity, against the unjust distribution of social advantages.

No rational person will maintain it to be abstractedly just, that a small minority of mankind should be born to the enjoyment of all the external advantages which life can give, without earning them by any merit or acquiring them by any exertion of their own, while the immense majority are condemned from their birth to a life of never-ending, never-intermitting toil, requited by a bare, and in general a precarious, subsistence. It is impossible to contend that this is in itself just. It is possible to contend that it is expedient : since, unless persons were allowed not only to retain for themselves, but to transmit to their posterity, the accumulated fruits of their exertions and of their favorable chances, they would not, it may be said, produce ; or, if they did, they would not preserve and accumulate their productions. It may also be said, that to deny to people the

control of what they have thus produced and accumulated, and compel them to share it with those, who, either through their fault or their misfortune, have produced and accumulated nothing, would be a still greater injustice than that of which the levellers complain; and that the path of least injustice is to recognize individual property and individual rights of inheritance.

This is, in few words, the case which the existing order of society can make out against levellers. The levellers of the present day, with few exceptions, acknowledge the force of these arguments; and are by this distinguished from all former opponents of the law of property, and constituted, not levellers in the original sense of the word, but what they term themselves, — Socialists.

We grant (they say) that it would be unjust to take from individual capitalists the fruits of their labor and of their frugality. Neither do we propose to do so. But capital is useless without labor; and, if capital belongs to the capitalists, labor belongs, by at least as sacred a right, to the laborers. We, the laborers, are at liberty to refuse to work, except on such terms as we please. Now, by a system of co-operation among ourselves, we can do without capitalists. We could also, if we had fair play from laws and institutions, carry on productive operations with so much advantage, to our joint benefit, as to make it the interest of capitalists to leave their capital in our hands; because we could offer them a sufficient interest for its use; and because, once able to work for themselves, no laborers of any worth or efficiency would labor for a master; and capitalists

would have no means of deriving an income from their capitals, except by intrusting them to the associated work-people.

The system of co-operative production, thus established, would cut up by the root the present partial distribution of social advantages, and would enable the produce of industry to be shared on whatever principle, whether of equality or inequality (for, on this point, different schools of Socialists have different opinions), might appear to the various communities to be just and expedient. Such a plan would, in the opinion of Socialists, be so vast an improvement on the present order of society, that the government, which exists for the good of society, and especially for that of the suffering majority, ought to favor its introduction by every expedient in its power; ought, in particular, to raise funds by taxation, and contribute them in aid of the formation of industrial communities on the co-operative principle: which funds it is not doubted that the success of the scheme would enable, in a few years, to be paid back with interest.

This is Socialism; and it is not obvious what there is in this system of thought to justify the frantic terror with which every thing bearing that ominous name is usually received on both sides of the British Channel.

It really seems a perfectly just demand, in the present circumstances of France, that the government should aid with its funds, to a reasonable extent, in bringing into operation industrial communities on the Socialist principle. It ought to do so, even if it could be certain beforehand that the attempt would fail; because the operatives themselves cannot possibly be persuaded of

this, except by trial ; because they will not be persuaded of it until every thing possible has been done to make the trial successful ; and because a national experiment of the kind, by the high moral qualities that would be elicited in the endeavor to make it succeed, and by the instruction that would radiate from its failure, would be an equivalent for the expenditure of many millions on any of the things which are commonly called "popular education."

At all events, this view of the subject was the only one which could be practically taken by the Provisional Government. They had been made a government chiefly by the working-classes of Paris. A majority of the active members of those classes, including most of their leaders, were deeply imbued with Socialist principles and feelings : to them a republican revolution, which neither did nor attempted any thing for Socialism, would have been a disappointment and a deception, which they would have resented with arms in their hands. The Provisional Government, therefore, did what any government, situated as they were, must have done : they associated with themselves, in the supreme authority, two of the Socialist chiefs, — M. Louis Blanc and M. Albert. And, things not being ripe for the adoption of practical measures of a Socialist character, they did the only thing which could be done : they opened an arena for the public discussion of the problem ; and invited all competent persons, under the auspices of the government, to contribute their ideas and suggestions towards its solution.

This was the origin of the conferences at the Luxembourg ; which, both in themselves, and in respect of

the connection of the Provisional Government with them, have been the subject of such boundless misrepresentation. The prominent feature of those conferences consisted of the Socialist speeches of M. Louis Blanc; of whom Lord Brougham asserts, that he has fled to England "to avoid being judged by enlightened freemen for endeavoring to make his Republic more bloody than it has been since 1794." The accusation is as devoid of truth as his charge against the Montagne party in the Assembly, of "panting for the guillotine as an instrument of government." M. Louis Blanc is not even accused, officially, of being concerned in the insurrection of June,—the prosecution against him having reference solely to the affair of May, in which, though the National Assembly was turbulently invaded, "blood," at all events, was neither shed nor thought of; and, even as to this, his defence before the Commission d'Enquête appears conclusive. But with regard to his speeches at the Luxembourg, so far as these have been published (and it has never been pretended that any thing has been kept back which would make a contrary impression), nothing could be less inflammatory and provocative than his tone, nor more sober and reasonable than every suggestion which he propounded for immediate adoption. In fact, he proposed nothing more than that degree of aid by government to the experimental establishment of the co-operative system of industry, which, even if the failure were total, would be a cheap price for setting the question at rest. Far from stirring up the people to a Socialist insurrection, every thing proves him to have felt, that, of all things that could happen, an insurrection like that of June

would be the most ruinous to the immediate prospects of his cause.

It was from no inherent tendency in the principles or teaching of the Socialist chiefs that this insurrection broke out. It arose from the suddenness and unexpectedness of the Revolution of February, which, being effected mainly by Socialists, brought Socialist opinions into a position of apparent power, before the minds of the community generally were prepared for the situation, or had begun seriously to consider this great problem. Hence hopes were excited of an immediate practical realization, when nothing was yet ripe, — when discussion and explanation had nearly all their work to do ; and, as soon as the first inevitable retrograde steps were taken, the frustration of premature hopes provoked a fatal collision.

If the Revolution of February should yet disappoint the glorious expectations which it raised, this collision will be the cause. It has divided the sincere Republicans, already a small minority, into two parties, at enmity with one another. It has alienated from the only Republican party which has any elements of stability the greater part of the effective strength of the democracy ; and it has filled the *bourgeoisie* with such insane terror at the bare thought of great social changes, that the most beneficent projects share the discredit of the most perilous, and they are ready to throw themselves into the arms of any government which will free them from the fear of a second Socialist insurrection. These things are lamentable ; but the fatality of circumstances, more than the misconduct of individuals, is responsible for them.

If we are now asked whether we agree in the anticipations of the Socialists ; whether we believe that their co-operative associations, at all events in the present state of education, would maintain their ground against individual competition, and secure an adequate amount of the fruits of industry, combined with a just reparation of them, — our answer must be, that we do not. It is highly probable, that, among a great number of such experiments, some would succeed, while under the influence of the zeal and enthusiasm of the first founders. And, in the face of the evidence which experience affords that mankind may be made capable of almost any thing by a persevering application of the power of education in one direction, it would be too much to affirm that a time can never come when the scheme of Owen and of Louis Blanc — of a world governed by public spirit, without needing the vulgar incentives of individual interest — will possess a feasibility which cannot be accorded to it now.

But, in proportion to our distrust of the means which Socialists propose for correcting the unjust inequalities in the lot of mankind, do we deem it incumbent on philosophers and politicians to use their utmost endeavors for bringing about the same end by an adaptation of the existing machinery of society. We hold with Bentham, that equality, though not the sole end, is one of the ends, of good social arrangements ; and that a system of institutions which does not make the scale turn in favor of equality, whenever this can be done without impairing the security of the property which is the product and reward of personal exertion, is essentially a bad government, — a government for the

few, to the injury of the many. And the admiration and sympathy which we feel for the glorious band who composed the Provisional Government, and for the party which supported them, is grounded, above all, on the fact that they stand openly identified with this principle, and have in all ways proved their sincere devotion to it. As an exemplification, we extract a few paragraphs from M. de Lamartine's "History of the Girondists," written before the February Revolution was thought of; paragraphs worthy of the noble conduct which has immortalized their illustrious writer, and to be taken as the creed of an earnest and rational Social Reformer on the questions connected with property and the distribution of wealth:—

"An equal repartition of instruction, of faculties, and of the things given by nature, is evidently the legitimate tendency of the human mind. Founders of revealed religion, poets and sages, have eternally revolved this idea in their souls, and have held it up in their Paradise, in their dreams, or in their laws, as the ultimate prospect of humanity. It is, then, an instinct of justice in the human mind. . . . Whatever tends to constitute inequalities of instruction, of rank, of condition, of fortune, among mankind, is impious: whatever tends gradually to level these inequalities, which are often injustices, and to share more equitably the common heritage among mankind, is religious. All policy may be judged by this test, as a tree by its fruits. The ideal is but truth at a distance.

"But the sublimer an ideal, the more difficult it is to realize in institutions on the earth. The difficulty up to this time has been, to reconcile with equality of goods the inequalities of virtues, of faculties, and of exertions, which distinguish mankind from one another. Between the active



and the inert, equality of goods is an injustice; for the one produces, and the other merely consumes. In order that this community of goods may be just, we must suppose in an mankind the same conscience, the same application to labor, the same virtue. This supposition is chimerical. What social order can rest solidly upon such a falsehood? Of two things, one: society, everywhere present and everywhere infallible, must be able to compel every individual to the same labor and the same virtue; but, then, what becomes of liberty? Society, on this footing, would be universal slavery. Or else society must distribute daily with its own hands, to each according to his works, a share exactly proportioned to the labor and the services of each in the general association. But, in that case, who is to be the judge?

“Imperfect human wisdom has found it easier, wiser, and more just, to say to every one, ‘Be thy own judge; take to thyself thy own recompense by thy riches or thy indigence.’ Society has established property, has proclaimed the freedom of labor, and has legalized competition.

“But property, when established, does not feed those who possess nothing. But freedom of labor does not give the same means of labor to him who has only his hands, and to him who possesses millions of acres of the earth’s surface. But competition is the code of egoism; a war to the death between those who work, and those who give work; those who sell, and those who buy; those who revel in abundance, and those who starve. Injustice on all hands! Incorrigible inequalities of nature and of law! The wisdom of the legislator seems to lie in palliating them one by one, generation by generation, law by law. He who seeks to correct every thing by one stroke shatters every thing. Possibility is the necessary condition of poor human wisdom. Without pretending to resolve complicated iniquities by a single solution,—to correct without intermission, to be always ameliorating, is the justice of imperfect beings like us. . . . Time seems to be

one of the elements even of truth itself: to demand the ultimate truth from one moment of time, is to demand from the nature of things more than it can give. Impatience creates illusions and ruins instead of truths. Delusions are truths gathered before their time. The Christian and philosophic community of the good things of the earth is the ultimate social truth: the delusions are the violences and the systems by which hitherto men have vainly imagined that they could establish this truth, and organize it into institutions."

Although not necessary for the main purpose of the present article, — the vindication of the Revolution of February, and of its leading characters, against systematic misjudgment and misrepresentation, — it is not irrelevant to offer a few pages of comment on the advice tendered to France, in Lord Brougham's pamphlet, respecting the formation of a Constitution.

This advice is prefaced by a very plain intimation that it is useless, — grounded on the commonplace of essayists and reviewers, that a Constitution cannot be made. "Laws are made: codes and constitutions grow. Those that grow have roots: they bear, they ripen, they endure. Those that are fashioned are like painted sticks planted in the ground, as I have seen trees of liberty: they strike no root, bear no fruit, and swiftly decay."

We have never been able to see in this trite dictum any thing more than a truism exaggerated into a paradox. Stripped of its metaphorical language, it amounts to this, — that political institutions cannot work well, or subsist durably, unless they have existed as customs before they were enacted as laws. No one can be insensible to the advantage in point of security for

stability, possessed by laws which merely annex positive sanctions to usages which the people had already adopted before the legislature recognized them ; such as our mercantile law, grounded on the customs of merchants, to which the courts of justice gradually gave legal validity. But this, so far as it is true at all, is as true of any other laws as of political institutions, and as true of a single law as of a code. Why, then, confine it to codes and constitutions? Of codes and constitutions, no more than of single laws, is this pre-existence as custom, however advantageous to stability, a necessary condition of it. What is necessary is, that they should not violently shock the pre-existing habits and sentiments of the people ; and that they should not demand and presuppose qualities in the popular mind, and a degree of interest in, and attachment to, the institutions themselves, which the character of the people, and their state of civilization, render unlikely to be really found in them. These two are the rocks on which those usually split, who, by means of a temporary ascendancy, establish institutions alien from, or too much in advance of, the condition of the public mind. The founders of the English Commonwealth failed for the first reason. Their republicanism offended the taste for kingship and old institutions : their religious freedom and equality shocked the attachment to Prelacy or Presbyterianism, which then were pervading principles in the majority of the nation. Charlemagne's attempt to construct a centralized monarchy amidst the distraction and anarchy of the eighth century failed for the other of the two reasons specified. Its success would have required, both in the governors and the governed, a

more cultivated intelligence, a greater comprehension of large views and extended interests, than existed or was attainable in that age, save by eminently exceptional individuals like Charlemagne himself. If the establishment of republicanism in France should turn out to be premature, it will be for the latter reason. Although no popular sentiment is shocked by it, the event may prove that there is no sufficient attachment to it, or desire to promote its success, but a readiness to sacrifice it to any trivial convenience, personal *engouement*, or dream of increased security.

Lord Brougham cannot enter on the subject of the French Constitution, without rebuking the Assembly for the indifference they have shown to this their appointed work.

“They seem only able to consider, with any interest, personal questions or party questions ; or (if they deviate into more general views) social questions, as the language of the day terms them. Such are the only discussions in which the National Assembly appears to have taken a deep interest. With the work of framing a Constitution, they have, as yet, troubled themselves but little ; although their sittings have lasted well-nigh six months, at the cost to the people of a pound a day to each of the nine hundred members.”

These sentences were, of course, written before the public discussions on the Constitution had commenced ; but that does not excuse omission to take notice of the fact, that the work of framing the Constitution was going on uninterruptedly, and with still greater activity, in the five months which preceded, than in the two which were occupied by, those public discussions. One

of the earliest acts of the Assembly was the nomination of a committee of thirty of its ablest members to frame the draft of a Constitution. The draft, when framed, was the subject of minute examination and discussion, with closed doors, — but of which reports reached the newspapers, — in every one of the fifteen *bureaux* of the Assembly; after which the *bureaux* elected another committee, to be associated with the first committee in revising the original scheme, and framing a second draft, with the lights derived from the discussion: so that, when the day arrived for taking this second draft publicly into consideration, the work of framing the Constitution was, in reality, finished. It had received the benefit of the best light, of the best wisdom, of the Assembly: it was well known how the votes of the Assembly would go, on all disputable points of considerable moment; and little remained for the public discussion to do, except to send forth the arguments of the majority, and the objections and protests of the minority, to their constituents and to the world. Is not this the way in which a Constitution should be made? Are not all Constitutions, and all laws of any value, the work of a few select minds in the first instance, then discussed and canvassed with a greater number, and finally ratified by the many?

The Constitution thus made, and now solemnly proclaimed and adopted, is such as the ideas and the degree of instruction of the age and nation permitted it to be. Of all charges, that to which it is the least obnoxious is the trivial one of introducing new "theoretical" principles. There is in it a remarkable absence of what, in Lord Brougham's eyes, is so great a fault in a political

Constitution, — original ideas. There is not a principle or a provision in it that is not familiar to the public mind. It is, in fact, a digest of the elementary doctrines of representative democracy. To those who disapprove of democracy, it is, of course, unacceptable ; but, that being granted as the indispensable datum from which the framers of the Constitution were not at liberty to depart, any fault which can be found with their work, on the ground of a deficiency of checks to the preponderance of popular will, must be set down to the account, not of new theories, but of the want of them. The presence of such checks, not their absence, would have been the novelty in Constitution-making. That would really have been the introduction of a principle new in democratic Constitutions, and for which no foundation was laid in the national mind.

Lord Brougham has condescended to bestow upon these unapt scholars his view of some of the essential requisites of a popular Constitution. First among these is the ancient device, or rather accident, of two Legislative Chambers. How unsuited this contrivance would be to the state of the French mind, may be known from the fact, that, although supported by some of the most individually influential of French orators and politicians, it has been rejected by a larger majority than any of the other conservative amendments that have been proposed ; and has numbered among its opponents the greater part of that large party, in the Assembly, which calls itself Moderate, and is called by others Anti-republican.

The arguments for a second Chamber, when looked at from one point of view, are of great force ; being

no other than the irresistible arguments for the necessity or expediency of a principle of antagonism in society, — of a counterpoise somewhere to the preponderant power in the State. It seems hardly possible that there should be permanently good government or enlightened progress without such a counterpoise. It may, however, be maintained, with considerable appearance of reason, that the antagonism may be more beneficially placed in society itself than in the legislative organ which gives effect to the will of society; that it should have its place in the powers which form public opinion, rather than in that whose proper function is to execute it; that, for example, in a democratic State, the desired counterbalance to the impulses and will of the comparatively uninstructed many lies in a strong and independent organization of the class whose special business is the cultivation of knowledge; and will better embody itself in Universities than in Senates, or Houses of Lords.

A second Chamber, howsoever composed, is a serious hinderance to improvement. Suppose it constituted in the manner, of all others, least calculated to render it an obstructive body; suppose that an Assembly of (say) six hundred persons is elected by universal suffrage, and, when elected, divides itself, as under the French Directorial Constitution, into two bodies, — say, of three hundred each. Now, whereas, if the whole body sat as one Chamber, the opposition of three hundred persons, or one-half of the representatives of the people, would be required to throw out an improvement, — on the system of separate deliberation, a hundred and fifty, or one-fourth only, would suffice.

Without doubt, the division into two sections, which would be a hinderance to useful changes, would be a hinderance also to hurtful ones ; and the arrangement, therefore, must be regarded as beneficial by those who think that a democratic Assembly is more likely to make hurtful than useful changes. But this opinion both historical and daily experience contradicts. There cannot be a case more in point than this very instance of France. The National Assembly was chosen in the crisis of a revolution by a suffrage including all the laboring men of the community ; the doctrines of a subversive character which were afloat were peculiarly favorable to the apparent interests of laboring men : yet the Assembly elected was essentially a conservative body ; and it is the general opinion, that the legislature now about to be elected will be still more so. The great majority of mankind are, as a general rule, tenacious of things existing : habit and custom predominate with them, in almost all cases, over remote prospects of advantage ; and, however popular may be the Constitution, in the ordinary course of its working, the difficulty is, not to prevent considerable changes, but to accomplish them even when most essentially needful. Any systematic provision in the Constitution to render changes difficult is therefore worse than superfluous : it is injurious.

It is true, that, in the times which accompany or immediately follow a revolution, this tendency of the human mind may be temporarily and partially reversed : partially, we say ; for a people are as tenacious of old customs and ways of thinking in the crisis of a revolution as at any other time, on all points except those on which



they have become strongly excited by a perception of evils or grievances, — those, in fact, on which the revolution itself turns. On such points, indeed, there may easily arise, at those periods, an ardor of ill-considered change; and it is at such times, if ever, that the check afforded by a second or conservative Chamber might be beneficial. But these are the times when the resistance of such a body is practically null. The very arguments used by the supporters of the institution to make it endurable assume that it cannot prolong its resistance in excited times. A second Chamber, which, during a revolution, should resolutely oppose itself to the branch of the legislature more directly representing the excited state of popular feeling, would be infallibly swept away. It is the destiny of a second Chamber to become inoperative in the only cases in which its effective operation might have a chance of producing less harm than good.

If these observations are correct (and we give them only for what they are worth), there is no reason to regret the decision by which the Constituent Assembly of the French Republic has rejected the principle of a double legislature. The same considerations serve to justify their adoption of what is termed universal suffrage. Lord Brougham himself admits that the operation of universal suffrage has hitherto proved very different from what its enemies had anticipated. If a suffrage extending to every adult male of the community produces, and is likely to produce, a legislature more justly chargeable with too conservative than with too innovative a spirit, what would it have been, if, by a tax-paying or other property qualification, the democracy of Paris, Lyons, and other large towns, had been

excluded from its share of influence? Lord Brougham repeats, along with other trite and gone-by observations on the social condition of France, that very commonplace one, that Paris is France. It is true, that from the political passiveness of the majority of the French people, and the habit of looking to the government as the sole arbiter of all political interests, the provinces of France usually submit readily to any existing government; but it is not now true, whatever it may have been formerly, that the provinces follow blindly the *opinion* of Paris: they might more truly be said to be unreasonably jealous of Parisian influences. Paris, with a few of the larger towns, is almost the sole element of progress which exists, politically speaking, in France: instead of having too much power, it has far less than in proportion to its immense superiority in political education and intelligence. Its power is never preponderant but when its insurrectionary element is brought into play; and this received a blow in June last, which has laid it prostrate for some time at least.

The remainder of Lord Brougham's advice to the French people on constitutional subjects is, that they should have an efficient executive, with power promptly to suppress any attempt at disturbance, — a point in which, in the present temper of the French, they are not likely to be found deficient; and, lastly, that the legislature should be nothing but a legislature, and should not, by itself attempting to administer, usurp the functions of the executive. On this last topic, Lord Brougham's observations, as far as they go, are just, and to the point.

“The legislative body,” he observes, “should be strictly confined to its proper functions,—of making the laws, and superintending the administration both of the executive and of all other departments, but excluded from all share in any of those branches. The office of discussing legislative measures, or of controlling the conduct of public functionaries, may well be intrusted to a senate, however constituted; as the imposition of public burthens upon the community may not only with equal safety be placed in its hands, but ought almost exclusively to rest there. A representative body, necessarily numerous, because elected by a great people, can well and safely debate such matters: it is peculiarly fitted for their discussion. Such a body is wholly unfit to handle matters merely of an administrative kind, or of a judicial. Its numbers at once pronounce this disqualification: its responsibility to constituents confirms the sentence: its want of individual responsibility precludes all appeal and all doubt. How can an Assembly of six or seven hundred persons conduct foreign negotiations, decide questions of peace and war, or dispose of the national force, whether with a view to internal police or foreign operations, offensive or defensive? How can such a body be intrusted with the appointment to places, civil or military, when each man will be quick to help his fellow-member’s job, and none ever feel afraid of constituents who can know little, and care less, about such nominations? Above every thing, the judicial office must never be exercised by an Assembly like this; and, of all appointments from which it should be shut out, those connected with judicial powers fall most certainly under the rule of exclusion.”

The principle here contended for is of so much importance, that it deserves to be carried farther than is done in this passage, or by any existing school of politicians. In general, if a public function is to be discharged with honesty and skill, some one person, or

a very small number, should, if possible, be specifically intrusted with it. A few persons, and, still more, one person, will feel a moral responsibility, an amenability to the bar of public opinion, which, even when they cannot be made more directly responsible, will be a far stronger security for fidelity and attention to their trust than can be provided in the case of a numerous body. We dissent altogether from the common opinion of democratic republicans, which tends to multiply the conferring of offices by popular election. The sovereign Assembly, which is the organ of the people for superintending and controlling the government, must of necessity be so elected. But, with this exception, it appears to us certain (what even Bentham, though in his earlier speculations he maintained a different opinion, ultimately acknowledged), that judges, administrators, functionaries of all sorts, will be selected with a much more careful eye to their qualifications, if some conspicuous public officer, a president or a minister, has the choice of them imposed on him as part of his peculiar business, and feels his official character and the tenure of his own power to depend, not on what the people may now think of the choice made, but on what they will think of it after trial. It seems equally certain that the president, or prime minister, will be better selected by the people's representatives than by the people themselves directly. The example of the United States is a strong argument for this opinion. If the president were elected by Congress, he would generally be the leader, and acknowledged ablest man, of his party: elected by the people, he is now always either an unknown mediocrity, or a man whose reputa-

tion has been acquired in some other field than that of politics. Nor is this likely to alter ; for every politician who has attained eminence has made a multitude of at least political enemies, which renders him a less available candidate for his party to put forward than somebody of the same professed principles who is comparatively obscure. It is to be feared that the appointment of a president by the direct suffrages of the community will prove to be the most serious mistake which the framers of the French Constitution have made. They have introduced by it into the still more fermentable elements of French society — what even in America is felt to be so great an evil — the turmoil of a perpetual canvass, and the baneful habit of making the decision of all great public questions depend less upon their merits than upon their probable influence on the next presidential election. And, in addition to this, it will probably be found, if their present institutions last, that they have subjected themselves to a series of much worse selections, and will have their Republic presided over by a less able and less creditable succession of men, than if the chief magistrate had been chosen by the legislature.

It is but just to acknowledge, that this very questionable provision was introduced in obedience to the important principle of preventing the legislature from encroaching on the province of the executive. The object was to make the president independent of the legislature. It was feared, that, if he were appointed and could be turned out by them, he would be their mere clerk, — would exercise no judgment and assume no responsibility of his own, but simply register the

decrees of a body unfit to conduct the business of government in detail. There was, however, a means of avoiding this, which would have been perfectly effectual. They might have given to the chief of the executive the power of dissolving the legislature, and appealing afresh to the people. With this safeguard, they might have left to the Assembly the uncontrolled choice of the head of the executive, and the power, by a vote of dismissal, of reducing him to the alternative of either retiring, or dissolving the Chamber. The check which, under this arrangement, the legislature and the executive would exercise reciprocally over one another, and the reluctance which each would feel to proceed to an extremity which might end in their own downfall instead of their rival's, would in ordinary cases be sufficient to restrain each within the constitutional limits of its own authority. Instead of this, it is to be feared, that, by placing face to face an Assembly and a first magistrate, — each emanating directly from popular suffrage, and each elected for a term fixed, only capable of being abridged by death or resignation, — the Assembly have organized a perpetual hostility between the two powers, replete with dangers to the stability of the Constitution ; for if the president and the National Assembly should hereafter quarrel, there may for three whole years be no means by which either can relieve itself from the hostility of the other, except a *coup d'état*.

In addition to these considerations, an executive chosen by a select body, and armed with the power of dissolving the legislature, would probably be a more effectual check than any second Chamber upon the con-

duct of an Assembly engaged in a course of hasty or unjust legislation. An eminent politician, the leader of a great party, and surrounded by the *élite* of that party as his ministers and advisers, would have more at stake in the good conduct of public affairs, would be more practised and skilful in judging of exigencies, would apply himself to his task with a much deeper sense of permanent responsibility, and, as a consequence of all this, would be likely to carry with him a greater weight of opinion, than an Assembly of two or three hundred persons, whether composed of English lords, or of the elective representatives of French or American democracy.

To correct misstatements is so much more tedious a process than to commit them, that space fails us for pointing out, or even alluding to, a tenth part of those which compose the main bulk of Lord Brougham's pamphlet. But we have exhibited a sample; and what we have exhibited is a fair specimen of what remains behind. Let us hope that something has been done towards the more important purpose of vindicating the Revolution, and the Provisional Government, from as unjust aspersions as ever clouded the reputation of great actions and eminent characters.

## A P P E N D I X.

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THE following are the passages, translations of which are given in the text :—

*From the Speech of M. de Tocqueville.*

“ Pour parler d’abord de ce que j’ai appelé la classe qui gouverne (remarquez que je prends ces mots dans leur acception la plus générale : je ne parle pas seulement de la classe moyenne, mais de tous les citoyens, dans quelque position qu’ils soient, qui possèdent et exercent des droits politiques) ; je dis donc que ce qui existe dans la classe qui gouverne m’inquiète et m’effraye. Ce que j’y vois, messieurs, je puis l’exprimer par un mot : les mœurs publiques s’y altèrent, elles y sont déjà profondément altérées ; elles s’y altèrent de plus en plus tous les jours ; de plus en plus aux opinions, aux sentiments, aux idées communes, succèdent des intérêts particuliers, des visées particulières, des points de vue empruntés à la vie et à l’intérêt privés.

“ Mon intention n’est point de forcer la chambre à s’appesantir, plus qu’il n’est nécessaire, sur ces tristes détails ; je me bornerai à m’adresser à mes adversaires eux-mêmes, à mes collègues de la majorité ministérielle. Je les prie de faire pour leur propre usage une sorte de revue statistique des collèges électoraux qui les ont envoyés dans cette chambre ; qu’ils composent une première catégorie de ceux qui ne votent



pour eux que par suite, non pas d'opinions politiques, mais de sentiments d'amitié particulière, ou de bon voisinage. Dans une seconde catégorie, qu'ils mettent ceux qui votent pour eux, non pas dans un point de vue d'intérêt public ou d'intérêt général, mais dans un point de vue d'intérêt purement local. A cette seconde catégorie, qu'ils en ajoutent enfin une troisième, composée de ceux qui votent pour eux pour des motifs d'intérêt purement individuels, et je leur demande si ce qui reste est très nombreux ; je leur demande si ceux qui votent par un sentiment public désintéressé, par suite d'opinions, de passions publiques, si ceux là forment la majorité des électeurs qui leur ont conféré le mandat de député ; je m'assure qu'ils découvriront aisément le contraire. Je me permettais encore de leur demander si, à leur connaissance, depuis cinq ans, dix ans, quinze ans, le nombre de ceux qui votent pour eux par suite d'intérêts personnels et particuliers ne croît pas sans cesse ; si le nombre de ceux qui votent pour eux par opinion politique ne décroît pas sans cesse ? Qu'ils me disent enfin si autour d'eux, sous leurs yeux, il ne s'établit pas peu à peu, dans l'opinion publique, une sorte de tolérance singulière pour les faits dont je parle, si peu à peu il ne se fait pas une sorte de morale vulgaire et basse, suivant laquelle l'homme qui possède des droits politiques se doit à lui-même, doit à ses enfans, à sa femme, à ses parents, de faire un usage personnel de ces droits dans leur intérêt ; si cela ne s'élève pas graduellement jusqu'à devenir une espèce de devoir de père de famille ? Si cette morale nouvelle, inconnue dans les grands temps de notre histoire, inconnue au commencement de notre Révolution, ne se développe pas de

plus en plus, et n'envahit pas chaque jour les esprits. Je le leur demande?

"Je crois, messieurs, qu'on peut, sans blesser personne, dire que le gouvernement a ressaisi, dans ces dernières années surtout, des droits plus grands, une influence plus grande, des prérogatives plus considérables, plus multiples, que celles qu'il avait possédées à aucune autre époque. Il est devenu infiniment plus grand que n'auraient jamais pu se l'imaginer, non seulement ceux qui l'ont donné, mais même ceux qui l'ont reçu en 1830. . . . C'est en ressaisissant de vieux pouvoirs qu'on croyait avoir abolis en juillet, en faisant revivre d'anciens droits qui semblaient annulés, en remettant en vigueur d'anciennes lois qu'on jugeait abrogées, en appliquant les lois nouvelles dans un autre sens que celui dans lequel elles avaient été faites, c'est par tous ces moyens détournés, par cette savante et patiente industrie, que le gouvernement a enfin repris plus d'action, plus d'activité et d'influence, qu'il n'en avait peut-être jamais eu en France en aucun temps. . . . Et pensez-vous, messieurs, que cette manière que j'ai appelée tout à l'heure détournée et subreptice, de regagner peu à peu la puissance, de la prendre en quelque sorte par surprise, en se servant d'autres moyens que ceux que la constitution lui avait donnés; croyez-vous que ce spectacle étrange de l'adresse et du savoir-faire donné publiquement pendant plusieurs années, sur un si vaste théâtre, à toute une nation qui le regarde, croyez-vous que tel spectacle ait été de nature à améliorer les mœurs publiques? . . . Ils croient que la révolution qui s'est opérée depuis quinze ans dans les droits du pouvoir était nécessaire, soit; et ils ne l'ont pas fait par

un intérêt particulier : je le veux croire ; mais il n'est pas moins vrai qu'ils l'ont opérée par des moyens que la moralité publique désavoue ; il n'est pas moins vrai qu'ils l'ont opérée en prenant les hommes, non par leur côté honnête, mais par leur mauvais côté — par leurs passions, par leur faiblesse, par leur intérêt, souvent par leurs vices. C'est ainsi que tout en voulant peut-être un but honnête, ils ont fait des choses qui ne l'étaient pas. Et pour faire ces choses il leur a fallu appeler à leur aide, honorer de leur faveur, introduire dans leur compagnie journalière, des hommes qui ne voulaient ni d'un but honnête, ni de moyens honnêtes, qui ne voulaient que la satisfaction grossière de leurs intérêts privés, à l'aide de la puissance qu'on leur confiait. . . . Je ne regarde pas ce fait comme un fait isolé ; je le considère comme le symptôme d'un mal général, le trait le plus saillant de toute une politique : en marchant dans les voies que vous aviez choisies, vous aviez besoin de tels hommes. . . .

“ Pour la première fois depuis quinze ans, j'éprouve une certaine crainte pour l'avenir ; et ce qui me prouve que j'ai raison, c'est que cette impression ne m'est pas particulière : je crois que je puis en appeler à tous ceux qui m'écoutent, et que tous me répondront que dans les pays qu'ils représentent, une impression analogue subsiste ; qu'un certain malaise, une certaine crainte a envahi les esprits ; que, pour la première fois peut-être depuis seize ans, le sentiment, l'instinct de l'instabilité, ce sentiment précurseur des révolutions, qui souvent les annonce, qui quelquefois les fait naître, que ce sentiment existe à un degré très grave dans le pays. . . . Est-ce que vous ne ressentez pas, par une sorte d'intui-

tion instinctive qui ne peut pas s'analyser, mais qui est certaine, que le sol tremble de nouveau en Europe? Est-ce que vous ne sentez-pas — que dirai-je? un vent de révolutions qui est dans l'air? Ce vent, on ne sait où il naît, d'où il vient, ni, croyez-le bien, qu'il enlève. . . .

“Ma conviction profonde et arrêtée, c'est que les mœurs publiques se dégradent, c'est que la dégradation des mœurs publiques vous amènera, dans un temps court, prochain peut-être, à des révolutions nouvelles. . . . Est-ce que vous avez à l'heure où nous sommes, la certitude d'un lendemain? Est-ce que vous savez ce qui peut arriver en France d'ici à un an, à un mois, à un jour peut-être? Vous l'ignorez; mais ce que vous savez, c'est que la tempête est à l'horizon, c'est qu'elle marche sur vous; vous laisserez-vous prévenir par elle?

“Messieurs, je vous supplie de ne pas le faire; je ne vous le demande pas, je vous en supplie: je ne mettrais volontiers à genoux devant vous, tant je crois le danger réel et sérieux, tant je pense que le signaler n'est pas recourir à une vaine forme de rhétorique. Oui, le danger est grand! conjurez le quand il en est temps encore: corrigez le mal par des moyens efficaces, non en l'attaquant dans ses symptômes, mais en lui-même.

“On a parlé de changements dans la législation. Je suis très porté à croire que ces changements sont non seulement utiles, mais nécessaires: ainsi je crois à l'utilité de la réforme électorale, à l'urgence de la réforme parlementaire; mais je ne suis pas assez insensé, messieurs, pour ne pas savoir que ce ne sont pas les lois elles-mêmes qui font la destinée des peuples; non, ce

n'est pas le mécanisme des lois qui produit les grands événements de ce monde : ce qui fait les événements, messieurs, c'est l'esprit même du gouvernement. Gardez les lois si vous voulez ; quoique je pense que vous ayez grand tort de le faire, gardez-les ; gardez-même les hommes, si cela vous fait plaisir, je n'y fais, pour mon compte, aucun obstacle ; mais, pour Dieu, changez l'esprit du gouvernement, car, je vous le répète, cet esprit-là vous conduit à l'abîme."

*From the Manifesto of M. de Lamartine.*

"Les traités de 1815 n'existent plus en droit aux yeux de la République Française ; toutefois, les circonscriptions territoriales de ces traités sont un fait, qu'elle admet comme base et comme point de départ dans ses rapports avec les autres nations.

"Mais, si les traités de 1815 n'existent plus que comme fait à modifier d'un accord commun, et si la République déclare hautement qu'elle a pour droit et pour mission d'arriver régulièrement et pacifiquement à ces modifications, le bon sens, la modération, la conscience, la prudence de la République existent, et sont pour l'Europe une meilleure et plus honorable garantie que les lettres de ces traités, si souvent violés ou modifiés par elle.

"Attachez-vous, monsieur, à faire comprendre et admettre de bonne foi cette émancipation de la République des traités de 1815, et à montrer que cette franchise n'a rien d'inconciliable avec le repos de l'Europe.

"Ainsi, nous le disons hautement, si l'heure de la reconstruction de quelques nationalités opprimées en Europe ou ailleurs, nous paraissent avoir sonné dans les

décrets de la Providence ; si la Suisse, notre fidèle alliée depuis François I<sup>er</sup>, était contrainte ou menacée dans le mouvement de croissance qu'elle opère chez elle pour prêter une force de plus au faisceau des gouvernements démocratiques ; si les états indépendants de l'Italie étaient envahis ; si l'on imposait des limites ou des obstacles à leur transformations intérieures ; si on leur contestait à main armée le droit de s'allier entre eux pour consolider une patrie Italienne, la République Française se croirait en droit d'armer elle-même pour protéger ces mouvements légitimes de croissance et de la nationalité des peuples."

*From the Answer of M. de Lamartine to the Polish Refugees.*

"La République n'est en guerre ouverte ni sourde avec aucune des nations, avec aucun des gouvernements existants, tant que ces nations et ces gouvernements ne se déclarent pas eux-mêmes en guerre avec elle. Elle ne fera donc, elle ne permettra volontairement aucun acte d'agression et de violence contre les nations Germaniques. . . . Le Gouvernement Provisoire ne se laissera pas changer sa politique dans la main par une nation étrangère, quelque sympathique qu'elle soit à nos cœurs. Nous aimons la Pologne, nous aimons l'Italie, nous aimons tous les peuples opprimés ; mais nous aimons avant tout la France, et nous avons la responsabilité de ses destinées, et peut-être de celles de l'Europe, en ce moment. Cette responsabilité nous ne la remettons à personne qu'à la nation elle-même. . . . La République ne doit pas et ne veut pas avoir des actes en contradiction avec ses paroles ; le respect de sa parole est à ce prix ; elle ne la décréditera jamais en y

manquant. Qu'a-t-elle dit dans son manifeste aux puissances? Elle a dit, en pensant à vous : Le jour où il nous paraîtrait que l'heure providentielle aurait sonné pour la resurrection d'une nationalité injustement effacée de la carte, nous volerions à son secours. Mais nous nous sommes justement réservé ce qui appartient à la France seule, l'appréciation de l'heure, du moment, de la justice, de la cause, et des moyens par lesquels il nous conviendrait d'intervenir. Eh bien, ces moyens, jusqu'ici nous les avons choisis et résolus pacifiques."

*From the Answer of M. de Lamartine to the Irish Deputation.*

"Quant à d'autres encouragements, il ne serait pas convenable à nous de vous les donner, à vous de les recevoir. Je l'ai déjà dit à propos de la Suisse, à propos de l'Allemagne, à propos de la Belgique et de l'Italie. Je le répète à propos de toute nation qui a des débats intérieurs à vider avec elle-même ou avec son gouvernement. Quand on n'a pas son sang dans les affaires d'un peuple, il n'est pas permis d'y avoir son intervention ni sa main. Nous ne sommes d'aucun parti en Irlande ou ailleurs, que du parti de la justice, de la liberté, et du bonheur des peuples. Aucun autre rôle ne nous serait acceptable, en temps de paix, dans les intérêts et dans les passions des nations étrangères. La France veut se réserver libre pour tous ses droits.

"Nous sommes en paix, et nous désirons rester en bons rapports d'égalité, non avec telle ou telle partie de la Grande Bretagne, mais avec la Grande Bretagne tout entière. Nous croyons cette paix utile et honorable, non seulement pour la Grande Bretagne et la

République Française, mais pour le genre humain. Nous ne ferons aucun acte, nous ne dirons aucune parole, nous n'adresserons aucune insinuation en contradiction avec les principes d'inviolabilité réciproque des peuples, que nous avons proclamés, et dont le Continent recueille déjà les fruits. La monarchie déchue avait des traités et des diplomates ; nous avons des peuples pour diplomates, et des sympathies pour traités. Nous serions insensés de changer une telle diplomatie au grand jour contre des alliances sourdes et partielles avec les partis même les plus légitimes dans les pays qui nous environnent. Nous n'avons qualité ni pour les juger, ni pour les préférer les uns aux autres. En nous déclarant amis de ceux-ci, nous nous déclarerions ennemis de ceux-là. Nous ne voulons être ennemis d'aucuns de vos compatriotes ; nous voulons faire tomber, au contraire, par la loyauté de la parole républicaine, les préventions et les préjugés qui existaient entre nos voisins et nous."

*From the "History of the Girondists."*

"Le partage égal des lumières, des facultés, et des dons de la nature est évidemment la tendance légitime du cœur humain. Les révélateurs, les poètes, et les sages ont roulé éternellement cette pensée dans leur âme, et l'ont perpétuellement montrée dans leur ciel, dans leurs rêves, ou dans leurs lois, comme la perspective de l'humanité. C'est donc un instinct de la justice dans l'homme. . . . Tout ce qui tend à constituer des inégalités de lumières, de rang, de conditions, de fortune, parmi les hommes, est impie. Tout ce qui tend à niveler graduellement ces inégalités, qui sont souvent



des injustices, et à répartir le plus équitablement l'héritage commun entre tous les hommes, est divin. Toute politique peut-être jugée à ce signe, comme tout arbre est jugé à ses fruits : l'idéal n'est que la vérité à distance.

" Mais plus un idéal est sublime, plus il est difficile à réaliser en institutions sur la terre. La difficulté jusqu'ici a été de concilier avec l'égalité des biens les inégalités de vertus, de facultés, et de travail, qui différencient les hommes entre eux. Entre l'homme actif et l'homme inerte, l'égalité des biens devient une injustice ; car l'un crée, et l'autre dépense. Pour que cette communauté des biens soit juste, il faut supposer à tous les hommes la même conscience, la même application au travail, la même vertu. Cette supposition est une chimère. Or quel ordre social pourrait reposer solidement sur un tel mensonge ? De deux choses l'une. Ou bien il faudrait que la société, partout présente et partout infaillible, pût contraindre chaque individu au même travail et à la même vertu ; mais alors que devient la liberté ? La société n'est plus qu'un universel esclavage. Ou bien il faudrait que la société distribuât de ses propres mains, tous les jours, à chacun selon ses œuvres, la part exactement proportionnée à l'œuvre et au service de chacun dans l'association générale ; mais alors quel sera le juge ?

" La sagesse humaine imparfaite a trouvé plus facile, plus sage, et plus juste de dire à l'homme : ' Sois toi-même ton propre juge, retribue-toi toi-même par la richesse ou par la misère.' La société a institué la propriété, proclamé la liberté du travail, et légalisé la concurrence.

“Mais la propriété instituée ne nourrit pas celui qui ne possède rien. Mais la liberté du travail ne donne pas les mêmes éléments de travail à celui qui n’a que ses bras, et à celui qui possède des milliers d’arpents sur la surface du sol. Mais la concurrence n’est que le code de l’égoïsme, et la guerre à mort entre celui qui travaille et celui qui fait travailler, entre celui qui achète et celui qui vend, entre celui qui nage dans le superflu et celui qui a faim. Iniquité de toutes parts ! Incorrigibles inégalités de la nature et de la loi ! La sagesse du législateur paraît être de les pallier une à une, siècle par siècle, loi par loi. Celui qui veut tout corriger d’un coup, brise tout. Le possible est la condition de la misérable sagesse humaine. Sans prétendre résoudre par une seule solution des iniquités complexes, corriger sans cesse, améliorer toujours, c’est la justice d’êtres imparfaits comme nous. . . . Le temps paraît être un élément de la vérité elle-même ; demander la vérité définitive à un seul jour, c’est demander à la nature des choses plus qu’elle ne peut donner. L’impatience crée des illusions et des ruines au lieu de vérités. Les déceptions sont des vérités cueillies avant le temps. La vérité est évidemment la communauté chrétienne et philosophique des biens de la terre. Les déceptions, ce sont les violences et les systèmes par lesquels on a cru vainement pouvoir établir cette vérité et l’organiser jusqu’ici.” — LAMARTINE : *Histoire des Girondins*, livre 39, ad finem.

## ENFRANCHISEMENT OF WOMEN.\*

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ALL the more recent of these papers were joint productions of myself and of one whose loss, even in a merely intellectual point of view, can never be repaired or alleviated. But the following Essay is hers in a peculiar sense; my share in it being little more than that of an editor and amanuensis. Its authorship having been known at the time, and publicly attributed to her, it is proper to state, that she never regarded it as a complete discussion of the subject which it treats of; and, highly as I estimate it, I would rather it remained unacknowledged, than that it should be read with the idea that even the faintest image can be found in it of a mind and heart, which, in their union of the rarest and what are deemed the most conflicting excellences, were unparalleled in any human being that I have known or read of. While she was the light, life, and grace of every society in which she took part, the foundation of her character was a deep seriousness, resulting from the combination of the strongest and most sensitive feelings with the highest principles. All that excites admiration, when found separately in others, seemed brought together in her: a conscience at once healthy and tender; a generosity bounded only by a sense of justice, which often forgot its own claims, but never those of others; a heart so large and loving, that whoever was capable of making the smallest return of sympathy always received tenfold; and, in the intellectual department, a vigor and truth of imagination, a delicacy of perception, an accuracy and nicety of observation, only equalled by her profundity of speculative thought,

\* Westminster Review, July, 1851.

and by a practical judgment and discernment next to infallible. So elevated was the general level of her faculties, that the highest poetry, philosophy, oratory, or art, seemed trivial by the side of her, and equal only to expressing some small part of her mind. And there is no one of those modes of manifestation in which she could not easily have taken the highest rank, had not her inclination led her for the most part to content herself with being the inspirer, prompter, and unavowed coadjutor of others.

The present paper was written to promote a cause which she had deeply at heart; and, though appealing only to the severest reason, was meant for the general reader. The question, in her opinion, was in a stage in which no treatment but the most calmly argumentative could be useful; while many of the strongest arguments were necessarily omitted, as being unsuited for popular effect. Had she lived to write out all her thoughts on this great question, she would have produced something as far transcending in profundity the present Essay, as, had she not placed a rigid restraint on her feelings, she would have excelled it in fervid eloquence. Yet nothing which even she could have written on any single subject would have given an adequate idea of the depth and compass of her mind. As, during life, she continually detected, before any one else had seemed to perceive them, those changes of times and circumstances which ten or twelve years later became subjects of general remark; so I venture to prophesy, that, if mankind continue to improve, their spiritual history for ages to come will be the progressive working-out of her thoughts, and realization of her conceptions.

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MOST of our readers will probably learn from these pages, for the first time, that there has arisen in the United States, and in the most civilized and enlightened portion of them, an organized agitation on a new ques-

tion, — new, not to thinkers nor to any one by whom the principles of free and popular government are felt as well as acknowledged, but new, and even unheard of, as a subject for public meetings and practical political action. This question is the enfranchisement of women; their admission, in law and in fact, to equality in all rights, political, civil, and social, with the male citizens of the community.

It will add to the surprise with which many will receive this intelligence, that the agitation which has commenced is not a pleading by male writers and orators *for* women; those who are professedly to be benefited remaining either indifferent or ostensibly hostile. It is a political movement, practical in its objects, carried on in a form which denotes an intention to persevere. And it is a movement not merely *for* women, but *by* them. Its first public manifestation appears to have been a Convention of Women, held in the State of Ohio, in the spring of 1850. Of this meeting we have seen no report. On the 23d and 24th of October last, a succession of public meetings was held at Worcester, in Massachusetts, under the name of a "Women's-Rights Convention," of which the president was a woman, and nearly all the chief speakers women; numerous re-enforced, however, by men, among whom were some of the most distinguished leaders in the kindred cause of negro emancipation. A general and four special committees were nominated, for the purpose of carrying on the undertaking until the next annual meeting.

According to the report in the "New-York Tribune," above a thousand persons were present throughout;

and, "if a larger place could have been had, many thousands more would have attended." The place was described as "crowded from the beginning with attentive and interested listeners." In regard to the quality of the speaking, the proceedings bear an advantageous comparison with those of any popular movement with which we are acquainted, either in this country or in America. Very rarely, in the oratory of public meetings, is the part of verbiage and declamation so small, that of calm good sense and reason so considerable. The result of the Convention was in every respect encouraging to those by whom it was summoned; and it is probably destined to inaugurate one of the most important of the movements towards political and social reform which are the best characteristic of the present age.

That the promoters of this new agitation take their stand on principles, and do not fear to declare these in their widest extent, without time-serving or compromise, will be seen from the resolutions adopted by the Convention, part of which we transcribe:—

"*Resolved*, That every human being of full age, and resident for a proper length of time on the soil of the nation, who is required to obey the law, is entitled to a voice in its enactment; that every such person, whose property or labor is taxed for the support of the government, is entitled to a direct share in such government: therefore—

"*Resolved*, That women are entitled to the right of suffrage, and to be considered eligible to office; . . . and that every party which claims to represent the humanity, the civilization, and the progress of the age, is bound to inscribe on its banners, 'Equality before the Law, without Distinction of Sex or Color.'

“*Resolved*, That civil and political rights acknowledge no sex; and therefore the word ‘male’ should be struck from every State Constitution.

“*Resolved*, That since the prospect of honorable and useful employment in after-life is the best stimulus to the use of educational advantages, and since the best education is that we give ourselves in the struggles, employments, and discipline of life; therefore it is impossible that women should make full use of the instruction already accorded to them, or that their career should do justice to their faculties, until the avenues to the various civil and professional employments are thrown open to them.

“*Resolved*, That every effort to educate women, without according to them their rights, and arousing their conscience by the weight of their responsibilities, is futile, and a waste of labor.

“*Resolved*, That the laws of property, as affecting married persons, demand a thorough revisal, so that all rights be equal between them; that the wife have, during life, an equal control over the property gained by their mutual toil and sacrifices, and be *heir* to her husband precisely to that extent that he is heir to her, and entitled at her death to dispose by will of the same share of the joint property as he is.”

The following is a brief summary of the principal demands : —

“1. *Education* in primary and high schools, universities, medical, legal, and theological institutions.

“2. *Partnership* in the labors and gains, risks and remunerations, of productive industry.

“3. *A co-equal share* in the formation and administration of laws, — municipal, state, and national, — through legislative assemblies, courts, and executive offices.”

It would be difficult to put so much true, just, and reasonable meaning into a style so little calculated

to recommend it as that of some of the resolutions. But, whatever objection may be made to some of the expressions, none, in our opinion, can be made to the demands themselves. As a question of justice, the case seems to us too clear for dispute. As one of expediency, the more thoroughly it is examined, the stronger it will appear.

That women have as good a claim as men have, in point of personal right, to the suffrage, or to a place in the jury-box, it would be difficult for any one to deny. It cannot certainly be denied by the United States of America, as a people or as a community. Their democratic institutions rest avowedly on the inherent right of every one to a voice in the government. Their Declaration of Independence, framed by the men who are still their great constitutional authorities, — that document which has been from the first, and is now, the acknowledged basis of their polity, — commences with this express statement : —

“ We hold these truths to be self-evident, — that all men are created equal ; that they are endowed by their Creator with certain inalienable rights ; that among these are life, liberty, and the pursuit of happiness ; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.”

We do not imagine that any American democrat will evade the force of these expressions by the dishonest or ignorant subterfuge, that “ men,” in this memorable document, does not stand for human beings, but for one sex only ; that “ life, liberty, and the pursuit of happiness,” are “ inalienable rights ” of only one moiety



of the human species ; and that "the governed," whose consent is affirmed to be the only source of just power, are meant for that half of mankind only, who, in relation to the other, have hitherto assumed the character of *governors*. The contradiction between principle and practice cannot be explained away. A like dereliction of the fundamental maxims of their political creed has been committed by the Americans in the flagrant instance of the negroes : of this they are learning to recognize the turpitude. After a struggle, which, by many of its incidents, deserves the name of heroic, the abolitionists are now so strong in numbers and in influence, that they hold the balance of parties in the United States. It was fitting that the men whose names will remain associated with the extirpation, from the democratic soil of America, of the aristocracy of color, should be among the originators, for America and for the rest of the world, of the first collective protest against the aristocracy of sex ; a distinction as accidental as that of color, and fully as irrelevant to all questions of government.

Not only to the democracy of America, the claim of women to civil and political equality makes an irresistible appeal, but also to those Radicals and Chartists in the British islands, and democrats on the Continent, who claim what is called universal suffrage as an inherent right, unjustly and oppressively withheld from them. For with what truth or rationality could the suffrage be termed universal, while half the human species remain excluded from it? To declare that a voice in the government is the right of all, and demand it only for a part, — the part, namely, to which the

claimant himself belongs, — is to renounce even the appearance of principle. The Chartist who denies the suffrage to women is a Chartist only because he is not a lord: he is one of those levellers who would level only down to themselves.

Even those who do not look upon a voice in the government as a matter of personal right, nor profess principles which require that it should be extended to all, have usually traditional maxims of political justice with which it is impossible to reconcile the exclusion of all women from the common rights of citizenship. It is an axiom of English freedom, that taxation and representation should be co-extensive. Even under the laws which give the wife's property to the husband, there are many unmarried women who pay taxes. It is one of the fundamental doctrines of the British Constitution, that all persons should be tried by their peers; yet women, whenever tried, are tried by male judges and a male jury. To foreigners, the law accords the privilege of claiming that half the jury should be composed of themselves: not so to women. Apart from maxims of detail, which represent local and national rather than universal ideas, it is an acknowledged dictate of justice to make no degrading distinctions without necessity. In all things, the presumption ought to be on the side of equality. A reason must be given why any thing should be permitted to one person, and interdicted to another. But when that which is interdicted includes nearly every thing which those to whom it is permitted most prize, and to be deprived of which they feel to be most insulting; when not only political liberty, but personal freedom of action,

is the prerogative of a caste ; when, even in the exercise of industry, almost all employments which task the higher faculties in an important field, which lead to distinction, riches, or even pecuniary independence, are fenced round as the exclusive domain of the predominant section, scarcely any doors being left open to the dependent class, except such as all who can enter elsewhere disdainfully pass by,—the miserable expediences which are advanced as excuses for so grossly partial a dispensation would not be sufficient, even if they were real, to render it other than a flagrant injustice : while, far from being expedient, we are firmly convinced that the division of mankind into two castes, one born to rule over the other, is in this case, as in all cases, an unqualified mischief ; a source of perversion and demoralization, both to the favored class and to those at whose expense they are favored ; producing none of the good which it is the custom to ascribe to it, and forming a bar, almost insuperable while it lasts, to any really vital improvement, either in the character or in the social condition of the human race.

These propositions it is now our purpose to maintain. But, before entering on them, we would endeavor to dispel the preliminary objections, which, in the minds of persons to whom the subject is new, are apt to prevent a real and conscientious examination of it. The chief of these obstacles is that most formidable one, custom. Women never have had equal rights with men. The claim in their behalf, of the common rights of mankind, is looked upon as barred by universal practice. This strongest of prejudices, the prejudice against what is new and unknown, has indeed, in an age

of changes like the present, lost much of its force : if it had not, there would be little hope of prevailing against it. Over three-fourths of the habitable world, even at this day, the answer, "It has always been so," closes all discussion. But it is the boast of modern Europeans, and of their American kindred, that they know and do many things which their forefathers neither knew nor did ; and it is perhaps the most unquestionable point of superiority in the present above former ages, that habit is not now the tyrant it formerly was over opinions and modes of action, and that the worship of custom is a declining idolatry. An uncustomary thought, on a subject which touches the greater interests of life, still startles when first presented ; but, if it can be kept before the mind until the impression of strangeness wears off, it obtains a hearing, and as rational a consideration as the intellect of the hearer is accustomed to bestow on any other subject.

In the present case, the prejudice of custom is doubtless on the unjust side. Great thinkers indeed, at different times, from Plato to Condorcet, besides some of the most eminent names of the present age, have made emphatic protests in favor of the equality of women. And there have been voluntary societies, religious or secular, of which the Society of Friends is the most known, by whom that principle was recognized. But there has been no political community or nation in which, by law and usage, women have not been in a state of political and civil inferiority. In the ancient world, the same fact was alleged, with equal truth, in behalf of slavery. It might have been alleged in favor of the mitigated form of slavery, serf-

dom, all through the middle ages. It was urged against freedom of industry, freedom of conscience, freedom of the press: none of these liberties were thought compatible with a well-ordered state, until they had proved their possibility by actually existing as facts. That an institution or a practice is customary, is no presumption of its goodness, when any other sufficient cause can be assigned for its existence. There is no difficulty in understanding why the subjection of women has been a custom. No other explanation is needed than physical force.

That those who were physically weaker should have been made legally inferior, is quite conformable to the mode in which the world has been governed. Until very lately, the rule of physical strength was the general law of human affairs. Throughout history, the nations, races, classes, which found themselves the strongest, either in muscles, in riches, or in military discipline, have conquered and held in subjection the rest. If, even in the most improved nations, the law of the sword is at last discountenanced as unworthy, it is only since the calumniated eighteenth century. Wars of conquest have only ceased since democratic revolutions began. The world is very young, and has but just begun to cast off injustice. It is only now getting rid of negro slavery. It is only now getting rid of monarchical despotism. It is only now getting rid of hereditary feudal nobility. It is only now getting rid of disabilities on the ground of religion. It is only beginning to treat any *men* as citizens, except the rich, and a favored portion of the middle class. Can we wonder that it has not yet done as much for women? As society was

constituted until the last few generations, inequality was its very basis ; association grounded on equal rights scarcely existed ; to be equals was to be enemies ; two persons could hardly co-operate in any thing, or meet in any amicable relation, without the law's appointing that one of them should be the superior of the other. Mankind have outgrown this state ; and all things now tend to substitute, as the general principle of human relations, a just equality, instead of the dominion of the strongest. But of all relations, that between men and women, being the nearest and most intimate, and connected with the greatest number of strong emotions, was sure to be the last to throw off the old rule, and receive the new ; for in proportion to the strength of a feeling is the tenacity with which it clings to the forms and circumstances with which it has even accidentally become associated.

When a prejudice which has any hold on the feelings finds itself reduced to the unpleasant necessity of assigning reasons, it thinks it has done enough when it has re-asserted the very point in dispute in phrases which appeal to the pre-existing feeling. Thus many persons think they have sufficiently justified the restrictions on women's field of action, when they have said that the pursuits from which women are excluded are *unfeminine* ; and that the *proper sphere* of women is not politics or publicity, but private and domestic life.

We deny the right of any portion of the species to decide for another portion, or any individual for another individual, what is and what is not their "proper sphere." The proper sphere for all human beings is the largest and highest which they are able to attain to. What

this is, cannot be ascertained without complete liberty of choice. The speakers at the Convention in America have therefore done wisely and right in refusing to entertain the question of the peculiar aptitudes either of women or of men, or the limits within which this or that occupation may be supposed to be more adapted to the one or to the other. They justly maintain, that these questions can only be satisfactorily answered by perfect freedom. Let every occupation be open to all, without favor or discouragement to any, and employments will fall into the hands of those men or women who are found by experience to be most capable of worthily exercising them. There need be no fear that women will take out of the hands of men any occupation which men perform better than they. Each individual will prove his or her capacities in the only way in which capacities can be proved,—by trial; and the world will have the benefit of the best faculties of all its inhabitants. But to interfere beforehand by an arbitrary limit, and declare that whatever be the genius, talent, energy, or force of mind, of an individual of a certain sex or class, those faculties shall not be exerted, or shall be exerted only in some few of the many modes in which others are permitted to use theirs, is not only an injustice to the individual, and a detriment to society, which loses what it can ill spare, but is also the most effectual mode of providing, that, in the sex or class so fettered, the qualities which are not permitted to be exercised shall not exist.

We shall follow the very proper example of the Convention, in not entering into the question of the alleged differences in physical or mental qualities between the

sexes, not because we have nothing to say, but because we have too much : to discuss this one point tolerably would need all the space we have to bestow on the entire subject.\* But if those, who assert that the "proper sphere" for women is the domestic, mean by this that they have not shown themselves qualified for any other, the assertion evinces great ignorance of life and of history. Women have shown fitness for the highest social functions exactly in proportion as they have been admitted to them. By a curious anomaly, though ineligible to even the lowest offices of State, they are in some countries admitted to the highest of all, — the regal; and, if there is any one function for which they have shown a decided vocation, it is that of reigning. Not to go back to ancient history, we look in vain for abler or firmer rulers than Elizabeth; than Isabella of Castile; than Maria Teresa; than Catherine of Russia; than Blanche, mother of Louis

\* An excellent passage on this part of the subject, from one of Sydney Smith's contributions to the "Edinburgh Review," we will not refrain from quoting: "A great deal has been said of the original difference of capacity between men and women; as if women were more quick, and men more judicious; as if women were more remarkable for delicacy of association, and men for stronger powers of attention. All this, we confess, appears to us very fanciful. That there is a difference in the understandings of the men and the women we every day meet with, everybody, we suppose, must perceive; but there is none surely which may not be accounted for by the difference of circumstances in which they have been placed, without referring to any conjectural difference of original conformation of mind. As long as boys and girls run about in the dirt, and trundle hoops together, they are both precisely alike. If you catch up one-half of these creatures, and train them to a particular set of actions and opinions, and the other half to a perfectly opposite set, of course their understandings will differ, as one or the other sort of occupations has called this or that talent into action. There is surely no occasion to go into any deeper or more abstruse reasoning, in order to explain so very simple a phenomenon." — *Sydney Smith's Works*, vol. i. p. 200.



IX. of France; than Jeanne d'Albret, mother of Henri Quatre. There are few kings on record who contended with more difficult circumstances, or overcame them more triumphantly, than these. Even in semi-barbarous Asia, princesses who have never been seen by men other than those of their own family, or ever spoken with them unless from behind a curtain, have as regents, during the minority of their sons, exhibited many of the most brilliant examples of just and vigorous administration. In the Middle Ages, when the distance between the upper and lower ranks was greater than even between women and men, and the women of the privileged class, however subject to tyranny from the men of the same class, were at a less distance below them than any one else was, and often, in their absence, represented them in their functions and authority, — numbers of heroic châtelaines, like Jeanne de Montfort, or the great Countess of Derby as late even as the time of Charles I., distinguished themselves not only by their political but their military capacity. In the centuries immediately before and after the Reformation, ladies of royal houses, as diplomatists, as governors of provinces, or as the confidential advisers of kings, equalled the first statesmen of their time; and the treaty of Cambray, which gave peace to Europe, was negotiated, in conferences where no other person was present, by the aunt of the Emperor Charles the Fifth, and the mother of Francis the First.

Concerning the fitness, then, of women for politics, there can be no question; but the dispute is more likely to turn upon the fitness of politics for women. When the reasons alleged for excluding women from active

life in all its higher departments are stripped of their garb of declamatory phrases, and reduced to the simple expression of a meaning, they seem to be mainly three : first, the incompatibility of active life with maternity, and with the cares of a household ; secondly, its alleged hardening effect on the character ; and, thirdly, the inexpediency of making an addition to the already excessive pressure of competition in every kind of professional or lucrative employment.

The first, the maternity argument, is usually laid most stress upon ; although (it needs hardly be said) this reason, if it be one, can apply only to mothers. It is neither necessary nor just to make imperative on women that they shall be either mothers or nothing ; or that, if they have been mothers once, they shall be nothing else during the whole remainder of their lives. Neither women nor men need any law to exclude them from an occupation, if they have undertaken another which is incompatible with it. No one proposes to exclude the male sex from Parliament because a man may be a soldier or sailor in active service, or a merchant whose business requires all his time and energies. Nine-tenths of the occupations of men exclude them *de facto* from public life as effectually as if they were excluded by law ; but that is no reason for making laws to exclude even the nine-tenths, much less the remaining tenth. The reason of the case is the same for women as for men. There is no need to make provision by law, that a woman shall not carry on the active details of a household, or of the education of children, and at the same time practise a profession, or be elected to Parliament. Where incompatibility is real, it will take care

of itself; but there is gross injustice in making the incompatibility a pretence for the exclusion of those in whose case it does not exist: and these, if they were free to choose, would be a very large proportion. The maternity argument deserts its supporters in the case of single women, — a large and increasing class of the population; a fact which, it is not irrelevant to remark, by tending to diminish the excessive competition of numbers, is calculated to assist greatly the prosperity of all. There is no inherent reason or necessity that all women should voluntarily choose to devote their lives to one animal function and its consequences. Numbers of women are wives and mothers only because there is no other career open to them, — no other occupation for their feelings or their activities. Every improvement in their education, and enlargement of their faculties, every thing which renders them more qualified for any other mode of life, increases the number of those to whom it is an injury and an oppression to be denied the choice. To say that women must be excluded from active life because maternity disqualifies them for it, is in fact to say that every other career should be forbidden them, in order that maternity may be their only resource.

But, secondly, it is urged, that to give the same freedom of occupation to women as to men would be an injurious addition to the crowd of competitors, by whom the avenues to almost all kinds of employment are choked up, and its remuneration depressed. This argument, it is to be observed, does not reach the political question. It gives no excuse for withholding from women the rights of citizenship. The suffrage, the

jury-box, admission to the legislature and to office, it does not touch. It bears only on the industrial branch of the subject. Allowing it, then, in an economical point of view, its full force; assuming that to lay open to women the employments now monopolized by men would tend, like the breaking-down of other monopolies, to lower the rate of remuneration in those employments, — let us consider what is the amount of this evil consequence, and what the compensation for it. The worst ever asserted, much worse than is at all likely to be realized, is, that, if women competed with men, a man and a woman could not together earn more than is now earned by the man alone. Let us make this supposition, the most unfavorable supposition possible: the joint income of the two would be the same as before; while the woman would be raised from the position of a servant to that of a partner. Even if every woman, as matters now stand, had a claim on some man for support, how infinitely preferable is it that part of the income should be of the woman's earning, even if the aggregate sum were but little increased by it, rather than that she should be compelled to stand aside in order that men may be the sole earners, and the sole dispensers of what is earned! Even under the present laws respecting the property of women, a woman who contributes materially to the support of the family cannot be treated in the same contemptuously tyrannical manner as one, who, however she may toil as a domestic drudge, is a dependant on the man for subsistence.\*

\* The truly horrible effects of the present state of the law among the lowest of the working population is exhibited in those cases of hideous maltreatment of their wives by working-men, with which every newspaper,

As for the depression of wages by increase of competition, remedies will be found for it in time. Palliatives might be applied immediately, — for instance, a more rigid exclusion of children from industrial employment during the years in which they ought to be working only to strengthen their bodies and minds for after-life. Children are necessarily dependent, and under the power of others; and their labor, being not for themselves, but for the gain of their parents, is a proper subject for legislative regulation. With respect to the future, we neither believe that improvident multiplication, and the consequent excessive difficulty of gaining a subsistence, will always continue; nor that the division of mankind into capitalists and hired laborers, and the regulation of the reward of laborers mainly by demand and supply, will be for ever, or even much longer, the rule of the world. But, so long as competition is the general law of human life, it is tyranny to shut out one-half of the competitors. All who have attained the age of self-government have an equal claim to be permitted to sell whatever kind of useful labor they are capable of, for the price which it will bring.

The third objection to the admission of women to political or professional life, its alleged hardening tendency, belongs to an age now past, and is scarcely to be comprehended by people of the present time. There are still, however, persons who say that the world and its avocations render men selfish and unfeeling; that

every police report, teems. Wretches, unfit to have the smallest authority over any living thing, have a helpless woman for their household slave. These excesses could not exist if women both earned, and had the right to possess, a part of the income of the family.

the struggles, rivalries, and collisions of business and of politics make them harsh and unamiable; that, if half the species must unavoidably be given up to these things, it is the more necessary that the other half should be kept free from them; that to preserve women from the bad influences of the world is the only chance of preventing men from being wholly given up to them.

There would have been plausibility in this argument when the world was still in the age of violence; when life was full of physical conflict, and every man had to redress his injuries, or those of others, by the sword or by the strength of his arm. Women, like priests, by being exempted from such responsibilities, and from some part of the accompanying dangers, may have been enabled to exercise a beneficial influence. But, in the present condition of human life, we do not know where those hardening influences are to be found, to which men are subject, and from which women are at present exempt. Individuals now-a-days are seldom called upon to fight hand to hand, even with peaceful weapons; personal enmities and rivalities count for little in worldly transactions; the general pressure of circumstances, not the adverse will of individuals, is the obstacle men now have to make head against. That pressure, when excessive, breaks the spirit, and cramps and sours the feelings; but not less of women than of men, since they suffer certainly not less from its evils. There are still quarrels and dislikes; but the sources of them are changed. The feudal chief once found his bitterest enemy in his powerful neighbor; the minister or courtier, in his rival for place: but opposition of interest in active life, as a cause of personal animosity,

is out of date ; the enmities of the present day arise not from great things, but small ; from what people say of one another, more than from what they do ; and if there are hatred, malice, and all uncharitableness, they are to be found among women fully as much as among men. In the present state of civilization, the notion of guarding women from the hardening influences of the world could only be realized by secluding them from society altogether. The common duties of common life, as at present constituted, are incompatible with any other softness in women than weakness. Surely weak minds in weak bodies must ere long cease to be even supposed to be either attractive or amiable.

But, in truth, none of these arguments and considerations touch the foundations of the subject. The real question is, whether it is right and expedient that one-half of the human race should pass through life in a state of forced subordination to the other half. If the best state of human society is that of being divided into two parts, one consisting of persons with a will and a substantive existence, the other of humble companions to these persons, attached, each of them to one, for the purpose of bringing up *his* children, and making *his* home pleasant to him, — if this is the place assigned to women, it is but kindness to educate them for this ; to make them believe that the greatest good fortune which can befall them is to be chosen by some man for this purpose ; and that every other career which the world deems happy or honorable is closed to them by the law, not of social institutions, but of nature and destiny.

When, however, we ask why the existence of one-

half the species should be merely ancillary to that of the other ; why each woman should be a mere appendage to a man, allowed to have no interests of her own, that there may be nothing to compete in her mind with his interests and his pleasure, — the only reason which can be given is, that men like it. It is agreeable to them that men should live for their own sake, women for the sake of men ; and the qualities and conduct in subjects which are agreeable to rulers, they succeed for a long time in making the subjects themselves consider as their appropriate virtues. Helvetius has met with much obloquy for asserting that persons usually mean by virtues the qualities which are useful or convenient to themselves. How truly this is said of mankind in general, and how wonderfully the ideas of virtue set afloat by the powerful are caught and imbibed by those under their dominion, is exemplified by the manner in which the world were once persuaded that the supreme virtue of subjects was loyalty to kings, and are still persuaded that the paramount virtue of womanhood is loyalty to men. Under a nominal recognition of a moral code common to both, in practice self-will and self-assertion form the type of what are designated as manly virtues, while abnegation of self, patience, resignation, and submission to power, unless when resistance is commanded by other interests than their own, have been stamped by general consent as pre-eminently the duties and graces required of women ; the meaning being merely, that power makes itself the centre of moral obligation, and that a man likes to have his own will, but does not like that his domestic companion should have a will different from his.



We are far from pretending, that, in modern and civilized times, no reciprocity of obligation is acknowledged on the part of the stronger. Such an assertion would be very wide of the truth. But even this reciprocity, which has disarmed tyranny—at least in the higher and middle classes—of its most revolting features, yet, when combined with the original evil of the dependent condition of women, has introduced in its turn serious evils.

In the beginning, and among tribes which are still in a primitive condition, women were and are the slaves of men for purposes of toil. All the hard bodily labor devolves on them. The Australian savage is idle, while women painfully dig up the roots on which he lives. An American Indian, when he has killed a deer, leaves it, and sends a woman to carry it home. In a state somewhat more advanced, as in Asia, women were and are the slaves of men for purposes of sensuality. In Europe, there early succeeded a third and milder dominion, secured not by blows, nor by locks and bars, but by sedulous inculcation on the mind: feelings also of kindness, and ideas of duty, such as a superior owes to inferiors under his protection, became more and more involved in the relation. But it did not, for many ages, become a relation of companionship, even between unequals. The lives of the two persons were apart. The wife was part of the furniture of home,—of the resting-place to which the man returned from business or pleasure. His occupations were, as they still are, among men: his pleasures and excitements also were, for the most part, among men,—among his equals. He was a patriarch and a despot within four walls; and

irresponsible power had its effect, greater or less according to his disposition, in rendering him domineering, exacting, self-worshipping, when not capriciously or brutally tyrannical. But, if the moral part of his nature suffered, it was not necessarily so, in the same degree, with the intellectual or the active portion. He might have as much vigor of mind and energy of character as his nature enabled him, and as the circumstances of his times allowed. He might write the "Paradise Lost," or win the battle of Marengo. This was the condition of the Greeks and Romans, and of the moderns until a recent date. Their relations with their domestic subordinates occupied a mere corner, though a cherished one, of their lives. Their education as men, the formation of their character and faculties, depended mainly on a different class of influences.

It is otherwise now. The progress of improvement has imposed on all possessors of power, and of domestic power among the rest, an increased and increasing sense of correlative obligation. No man now thinks that his wife has no claim upon his actions but such as he may accord to her. All men of any conscience believe that their duty to their wives is one of the most binding of their obligations. Nor is it supposed to consist solely in protection ; which, in the present state of civilization, women have almost ceased to need : it involves care for their happiness, and consideration of their wishes, with a not unfrequent sacrifice of their own to them. The power of husbands has reached the stage which the power of kings had arrived at when opinion did not yet question the rightfulness of arbitrary power, but in theory, and to a certain extent in practice, condemned

the selfish use of it. This improvement in the moral sentiments of mankind, and increased sense of the consideration due by every man to those who have no one but himself to look to, has tended to make home more and more the centre of interest, and domestic circumstances and society a larger and larger part of life, and of its pursuits and pleasures. The tendency has been strengthened by the changes of tastes and manners which have so remarkably distinguished the last two or three generations. In days not far distant, men found their excitement and filled up their time in violent bodily exercises, noisy merriment, and intemperance. They have now, in all but the very poorest classes, lost their inclination for these things, and for the coarser pleasures generally : they have now scarcely any tastes but those which they have in common with women ; and, for the first time in the world, men and women are really companions. A most beneficial change, if the companionship were between equals ; but, being between unequals, it produces what good observers have noticed, though without perceiving its cause,—a progressive deterioration among men in what had hitherto been considered the masculine excellences. Those who are so careful that women should not become men do not see that men are becoming what they have decided that women should be, — are falling into the feebleness which they have so long cultivated in their companions. Those who are associated in their lives tend to become assimilated in character. In the present closeness of association between the sexes, men cannot retain manliness unless women acquire it.

There is hardly any situation more unfavorable to the

‘maintenance of elevation of character, or force of intellect, than to live in the society, and seek by preference the sympathy, of inferiors in mental endowments. Why is it that we constantly see in life so much of intellectual and moral promise followed by such inadequate performance, but because the aspirant has compared himself only with those below himself, and has not sought improvement or stimulus from measuring himself with his equals or superiors? In the present state of social life, this is becoming the general condition of men. They care less and less for any sympathies, and are less and less under any personal influences but those of the domestic roof. Not to be misunderstood, it is necessary that we should distinctly disclaim the belief that women are even now inferior in intellect to men. There are women who are the equals in intellect of any men who ever lived; and, comparing ordinary women with ordinary men, the varied though petty details which compose the occupation of most women call forth probably as much of mental ability as the uniform routine of the pursuits which are the habitual occupation of a large majority of men. It is from nothing in the faculties themselves, but from the petty subjects and interests on which alone they are exercised, that the companionship of women, such as their present circumstances make them, so often exercises a dissolvent influence on high faculties and aspirations in men. If one of the two has no knowledge and no care about the great ideas and purposes which dignify life, or about any of its practical concerns, save personal interests and personal vanities, her conscious, and still more her unconscious influence, will, except in rare cases, reduce to a secondary place

in his mind, if not entirely extinguish, those interests which she cannot or does not share.

Our argument here brings us into collision with what may be termed the moderate reformers of the education of women; a sort of persons who cross the path of improvement on all great questions; those who would maintain the old bad principles, mitigating their consequences. These say that women should be, not slaves nor servants, but companions, and educated for that office (they do not say that men should be educated to be the companions of women). But since uncultivated women are not suitable companions for cultivated men, and a man who feels interest in things above and beyond the family circle wishes that his companion should sympathize with him in that interest, they therefore say, let women improve their understanding and taste, acquire general knowledge, cultivate poetry, art, even coquet with science; and some stretch their liberality so far as to say, inform themselves on politics, not as pursuits, but sufficiently to feel an interest in the subjects, and to be capable of holding a conversation on them with the husband, or at least of understanding and imbibing his wisdom. Very agreeable to him, no doubt, but, unfortunately, the reverse of improving. It is from having intellectual communion only with those to whom they can lay down the law, that so few men continue to advance in wisdom beyond the first stages. The most eminent men cease to improve, if they associate only with disciples. When they have overtopped those who immediately surround them, if they wish for further growth, they must seek for others of their own stature to consort with. The mental companionship which is

improving is communion between active minds, not mere contact between an active mind and a passive. This inestimable advantage is even now enjoyed, when a strong-minded man and a strong-minded woman are, by a rare chance, united ; and would be had far oftener, if education took the same pains to form strong-minded women which it takes to prevent them from being formed. The modern, and what are regarded as the improved and enlightened, modes of education of women, abjure, as far as words go, an education of mere show, and profess to aim at solid instruction, but mean, by that expression, superficial information on solid subjects. Except accomplishments, which are now generally regarded as to be taught well if taught at all, nothing is taught to women thoroughly. Small portions only of what it is attempted to teach thoroughly to boys are the whole of what it is intended or desired to teach to women. What makes intelligent beings is the power of thought : the stimuli which call forth that power are the interest and dignity of thought itself, and a field for its practical application. Both motives are cut off from those who are told from infancy that thought, and all its greater applications, are other people's business, while theirs is to make themselves agreeable to other people. High mental powers in women will be but an exceptional accident, until every career is open to them, and until they, as well as men, are educated for themselves and for the world, — not one sex for the other.

In what we have said on the effect of the inferior position of women, combined with the present constitution of married life, we have thus far had in view only

the most favorable cases, — those in which there is some real approach to that union and blending of characters and of lives which the theory of the relation contemplates as its ideal standard. But, if we look to the great majority of cases, the effect of women's legal inferiority, on the character both of women and of men, must be painted in far darker colors. We do not speak here of the grosser brutalities, nor of the man's power to seize on the woman's earnings, or compel her to live with him against her will. We do not address ourselves to any one who requires to have it proved that these things should be remedied. We suppose average cases, in which there is neither complete union nor complete disunion of feelings and character; and we affirm, that, in such cases, the influence of the dependence on the woman's side is demoralizing to the character of both.

The common opinion is, that, whatever may be the case with the intellectual, the moral influence of women over men is almost always salutary. It is, we are often told, the great counteractive of selfishness. However the case may be as to personal influence, the influence of the position tends eminently to promote selfishness. The most insignificant of men, the man who can obtain influence or consideration nowhere else, finds one place where he is chief and head. There is one person, often greatly his superior in understanding, who is obliged to consult him, and whom he is not obliged to consult. He is judge, magistrate, ruler, over their joint concerns; arbiter of all differences between them. The justice or conscience to which her appeal must be made is his justice and conscience: it is his to hold the

balance and adjust the scales between his own claims or wishes and those of another. His is now the only tribunal, in civilized life, in which the same person is judge and party. A generous mind, in such a situation, makes the balance incline against its own side, and gives the other not less, but more, than a fair equality; and thus the weaker side may be enabled to turn the very fact of dependence into an instrument of power, and, in default of justice, take an ungenerous advantage of generosity; rendering the unjust power, to those who make an unselfish use of it, a torment and a burthen. But how is it when average men are invested with this power, without reciprocity and without responsibility? Give such a man the idea that he is first in law and in opinion; that to will is his part, and hers to submit: it is absurd to suppose that this idea merely glides over his mind, without sinking into it, or having any effect on his feelings and practice. The propensity to make himself the first object of consideration, and others at most the second, is not so rare as to be wanting where every thing seems purposely arranged for encouraging its indulgence. If there is any self-will in the man, he becomes either the conscious or unconscious despot of his household. The wife, indeed, often succeeds in gaining her objects; but it is by some of the many various forms of indirectness and management.

Thus the position is corrupting equally to both: in the one, it produces the vices of power; in the other, those of artifice. Women, in their present physical and moral state, having stronger impulses, would naturally be franker and more direct than men; yet all the



old saws and traditions represent them as artful and dissembling. Why? Because their only way to their objects is by indirect paths. In all countries where women have strong wishes and active minds, this consequence is inevitable; and, if it is less conspicuous in England than in some other places, it is because English women, saving occasional exceptions, have ceased to have either strong wishes or active minds.

We are not now speaking of cases in which there is any thing deserving the name of strong affection on both sides. That, where it exists, is too powerful a principle not to modify greatly the bad influences of the situation. It seldom, however, destroys them entirely. Much oftener, the bad influences are too strong for the affection, and destroy it. The highest order of durable and happy attachments would be a hundred times more frequent than they are, if the affection which the two sexes sought from one another were that genuine friendship which only exists between equals in privileges as in faculties. But with regard to what is commonly called affection in married life,—the habitual and almost mechanical feeling of kindliness, and pleasure in each other's society, which generally grows up between persons who constantly live together, unless there is actual dislike,—there is nothing in this to contradict or qualify the mischievous influence of the unequal relation. Such feelings often exist between a sultan and his favorites; between a master and his servants: they are merely examples of the pliability of human nature, which accommodates itself in some degree even to the worst circumstances, and the commonest natures always the most easily.

With respect to the influence personally exercised by women over men, it no doubt renders them less harsh and brutal : in ruder times, it was often the only softening influence to which they were accessible. But the assertion, that the wife's influence renders the man less selfish, contains, as things now are, fully as much error as truth. Selfishness towards the wife herself, and towards those in whom she is interested, the children, though favored by her dependence, the wife's influence, no doubt, tends to counteract. But the general effect on him of her character, so long as her interests are concentrated in the family, tends but to substitute for individual selfishness a family selfishness, wearing an amiable guise, and putting on the mask of duty. How rarely is the wife's influence on the side of public virtue ! how rarely does it do otherwise than discourage any effort of principle by which the private interests or worldly vanities of the family can be expected to suffer ! Public spirit, sense of duty towards the public good, is of all virtues, as women are now educated and situated, the most rarely to be found among them : they have seldom even — what in men is often a partial substitute for public spirit — a sense of personal honor connected with any public duty. Many a man, whom no money or personal flattery would have bought, has bartered his political opinions against a title, or invitations for his wife ; and a still greater number are made mere hunters after the puerile vanities of society, because their wives value them. As for opinions, in Catholic countries the wife's influence is another name for that of the priest : he gives her, in the hopes and emotions connected with a future life, a consolation for the sufferings

and disappointments which are her ordinary lot in this. Elsewhere, her weight is thrown into the scale either of the most commonplace or of the most outwardly prosperous opinions; either those by which censure will be escaped, or by which worldly advancement is likeliest to be procured. In England, the wife's influence is usually on the illiberal and anti-popular side: this is generally the gaining side for personal interest and vanity; and what to her is the democracy or liberalism in which she has no part, — which leaves her the Pariah it found her? The man himself, when he marries, usually declines into conservatism; begins to sympathize with the holders of power more than with its victims, and thinks it his part to be on the side of authority. As to mental progress, except those vulgarer attainments by which vanity or ambition are promoted, there is generally an end to it in a man who marries a woman mentally his inferior; unless, indeed, he is unhappy in marriage, or becomes indifferent. From a man of twenty-five or thirty, after he is married, an experienced observer seldom expects any further progress in mind or feelings. It is rare that the progress already made is maintained. Any spark of the *mens divini*or, which might otherwise have spread and become a flame, seldom survives for any length of time unextinguished. For a mind which learns to be satisfied with what it already is; which does not incessantly look forward to a degree of improvement not yet reached, — becomes relaxed, self-indulgent, and loses the spring and the tension which maintain it even at the point already attained. And there is no fact in human nature to which experience bears more invariable testi-

mony than to this, — that all social or sympathetic influences which do not raise up, pull down : if they do not tend to stimulate and exalt the mind, they tend to vulgarize it.

For the interest, therefore, not only of women, but of men, and of human improvement in the widest sense, the emancipation of women, which the modern world often boasts of having effected, and for which credit is sometimes given to civilization, and sometimes to Christianity, cannot stop where it is. If it were either necessary or just that one portion of mankind should remain mentally and spiritually only half developed, the development of the other portion ought to have been made, as far as possible, independent of their influence. Instead of this, they have become the most intimate, and, it may now be said, the only intimate, associates of those to whom yet they are sedulously kept inferior ; and have been raised just high enough to drag the others down to themselves.

We have left behind a host of vulgar objections, either as not worthy of an answer, or as answered by the general course of our remarks. A few words, however, must be said on one plea, which in England is made much use of for giving an unselfish air to the upholding of selfish privileges, and which, with unobserving, unreflecting people, passes for much more than it is worth. Women, it is said, do not desire, do not seek, what is called their emancipation : on the contrary, they generally disown such claims when made in their behalf, and fall with *acharnement* upon any one of themselves who identifies herself with their common cause.

Supposing the fact to be true in the fullest extent ever asserted, if it proves that European women ought to remain as they are, it proves exactly the same with respect to Asiatic women ; for they too, instead of murmuring at their seclusion, and at the restraint imposed upon them, pride themselves on it, and are astonished at the effrontery of women who receive visits from male acquaintances, and are seen in the streets unveiled. Habits of submission make men as well as women servile-minded. The vast population of Asia do not desire or value, probably would not accept, political liberty ; nor the savages of the forest, civilization : which does not prove that either of those things is undesirable for them, or that they will not, at some future time, enjoy it. Custom hardens human beings to any kind of degradation, by deadening the part of their nature which would resist it. And the case of women is, in this respect, even a peculiar one ; for no other inferior caste that we have heard of have been taught to regard their degradation as their honor. The argument, however, implies a secret consciousness that the alleged preference of women for their dependent state is merely apparent, and arises from their being allowed no choice ; for, if the preference be natural, there can be no necessity for enforcing it by law. To make laws compelling people to follow their inclination has not hitherto been thought necessary by any legislator. The plea, that women do not desire any change, is the same that has been urged, times out of mind, against the proposal of abolishing any social evil, — “ there is no complaint : ” which is generally not true ; and, when true, only so because there is not that hope of success, without which

complaint seldom makes itself audible to unwilling ears. How does the objector know that women do not desire equality and freedom? He never knew a woman who did not, or would not, desire it for herself individually. It would be very simple to suppose, that, if they do desire it, they will say so. Their position is like that of the tenants or laborers who vote against their own political interests to please their landlords or employers; with the unique addition, that submission is inculcated on them from childhood, as the peculiar attraction and grace of their character. They are taught to think, that to repel actively even an admitted injustice done to themselves is somewhat unfeminine, and had better be left to some male friend or protector. To be accused of rebelling against any thing which admits of being called an "ordinance of society," they are taught to regard as an imputation of a serious offence, to say the least, against the proprieties of their sex. It requires unusual moral courage as well as disinterestedness in a woman to express opinions favorable to women's enfranchisement, until at least there is some prospect of obtaining it. The comfort of her individual life, and her social consideration, usually depend on the good-will of those who hold the undue power; and, to possessors of power, any complaint, however bitter, of the misuse of it, is a less flagrant act of insubordination than to protest against the power itself. The professions of women in this matter remind us of the State offenders of old, who, on the point of execution, used to protest their love and devotion to the sovereign by whose unjust mandate they suffered. Griselda herself might be matched from the speeches put by

Shakspeare into the mouths of male victims of kingly caprice and tyranny, — the Duke of Buckingham, for example, in "Henry the Eighth;" and even Wolsey. The literary class of women, especially in England, are ostentatious in disclaiming the desire for equality or citizenship, and proclaiming their complete satisfaction with the place which society assigns to them; exercising in this, as in many other respects, a most noxious influence over the feelings and opinions of men, who unsuspectingly accept the servilities of toadyism as concessions to the force of truth, not considering that it is the personal interest of these women to profess whatever opinions they expect will be agreeable to men. It is not among men of talent, sprung from the people, and patronized and flattered by the aristocracy, that we look for the leaders of a democratic movement. Successful literary women are just as unlikely to prefer the cause of women to their own social consideration. They depend on men's opinion for their literary as well as for their feminine successes; and such is their bad opinion of men, that they believe there is not more than one in ten thousand who does not dislike and fear strength, sincerity, or high spirit, in a woman. They are therefore anxious to earn pardon and toleration for whatever of these qualities their writings may exhibit on other subjects, by a studied display of submission on this, that they may give no occasion for vulgar men to say (what nothing will prevent vulgar men from saying) that learning makes women unfeminine, and that literary ladies are likely to be bad wives.

But enough of this; especially as the fact which affords the occasion for this notice makes it impos-

sible any longer to assert the universal acquiescence of women (saving individual exceptions) in their dependent condition. In the United States, at least, there are women, seemingly numerous, and now organized for action on the public mind, who demand equality in the fullest acceptation of the word, and demand it by a straightforward appeal to men's sense of justice, not plead for it with a timid deprecation of their displeasure.

Like other popular movements, however, this may be seriously retarded by the blunders of its adherents. Tried by the ordinary standard of public meetings, the speeches at the Convention are remarkable for the preponderance of the rational over the declamatory element: but there are some exceptions; and things to which it is impossible to attach any rational meaning have found their way into the resolutions. Thus the resolution which sets forth the claims made in behalf of women, after claiming equality in education, in industrial pursuits, and in political rights, enumerates, as a fourth head of demand, something under the name of "social and spiritual union," and "a medium of expressing the highest moral and spiritual views of justice," with other similar verbiage, serving only to mar the simplicity and rationality of the other demands; resembling those who would weakly attempt to combine nominal equality between men and women with enforced distinctions in their privileges and functions. What is wanted for women is equal rights, equal admission to all social privileges; not a position apart, a sort of sentimental priesthood. To this, the only just and rational principle, both the resolutions and



the speeches, for the most part, adhere. They contain so little which is akin to the nonsensical paragraph in question, that we suspect it not to be the work of the same hands as most of the other resolutions. The strength of the cause lies in the support of those who are influenced by reason and principle; and to attempt to recommend it by sentimentalities, absurd in reason, and inconsistent with the principle on which the movement is founded, is to place a good cause on a level with a bad one.

There are indications that the example of America will be followed on this side of the Atlantic; and the first step has been taken in that part of England where every serious movement in the direction of political progress has its commencement,—the manufacturing districts of the North. On the 13th of February, 1851, a petition of women, agreed to by a public meeting at Sheffield, and claiming the elective franchise, was presented to the House of Lords by the Earl of Carlisle.

## DR. WHEWELL ON MORAL PHILOSOPHY

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IF the worth of Dr. Whewell's writings could be measured by the importance and amplitude of their subjects, no writer of the age could vie with him in merit or usefulness. He has aspired to be, not only the historian, but the philosopher and legislator, of almost all the great departments of human knowledge; reducing each to its first principles, and showing how it might be scientifically evolved from these as a connected whole. After endeavoring, in his "History and Philosophy of the Inductive Sciences," to place physics, and incidentally metaphysics, on a philosophic foundation, he has made an almost equally ambitious attempt on the subjects of morals and government, of which the two works before us are the results. He is thus entitled to the praise of having done his best to wipe off from the two endowed universities, in one of which he holds a high place, the reproach to which they have so long been justly liable, of neglecting the higher regions of philosophy. By his writings and influence, he has been an agent in that revival of speculation on the most

\* Westminster Review, October, 1852.—1. "Lectures on the History of Moral Philosophy in England." By William Whewell, D.D., Master of Trinity College, and Professor of Moral Philosophy in the University of Cambridge. 1 vol. 8vo. 1852.

2. "Elements of Morality, including Polity." By the same Author. 2 vols. 8vo. 1845.

difficult and highest subjects, which has been noticeable for some years past within as well as without the pale of Oxford and Cambridge. And inasmuch as mental activity of any kind is better than torpidity, and bad solutions of the great questions of philosophy are preferable to a lazy ignoring of their existence, whoever has taken so active a part as Dr. Whewell in this intellectual movement may lay claim to considerable merit.

Unfortunately, it is not in the nature of bodies constituted like the English universities, even when stirred up into something like mental activity, to send forth thought of any but one description. There have been universities (those of France and Germany have at some periods been practically conducted on this principle) which brought together into a body the most vigorous thinkers and the ablest teachers, whatever the conclusions to which their thinking might have led them. But, in the English universities, no thought can find place, except that which can reconcile itself with orthodoxy. They are ecclesiastical institutions; and it is the essence of all churches to vow adherence to a set of opinions made up and prescribed, it matters little whether three or thirteen centuries ago. Men will some day open their eyes, and perceive how fatal a thing it is, that the instruction of those who are intended to be the guides and governors of mankind should be confided to a collection of persons thus pledged. If the opinions they are pledged to were every one as true as any fact in physical science, and had been adopted, not as they almost always are, on trust and authority, but as the result of the most diligent and impartial examination of which the mind of

the recipient was capable,—even then, the engagement under penalties always to adhere to the opinions once assented to would debilitate and lame the mind, and unfit it for progress, still more for assisting the progress of others. The person who has to think more of what an opinion leads to, than of what is the evidence of it, cannot be a philosopher, or a teacher of philosophers. Of what value is the opinion, on any subject, of a man of whom every one knows, that, by his profession, he must hold that opinion? and how can intellectual vigor be fostered by the teaching of those, who, even as a matter of duty, would rather that their pupils were weak and orthodox, than strong with freedom of thought? Whoever thinks that persons thus tied are fitting depositaries of the trust of educating a people must think that the proper object of intellectual education is, not to strengthen and cultivate the intellect, but to make sure of its adopting certain conclusions; that, in short, in the exercise of the thinking faculty, there is something, either religion or conservatism or peace, or whatever it be, more important than truth. Not to dilate further on this topic, it is nearly inevitable, that when persons bound by the vows, and placed in the circumstances, of an established clergy, enter into the paths of higher speculation, and endeavor to make a philosophy, either purpose or instinct will direct them to the kind of philosophy best fitted to prop up the doctrines to which they are pledged; and, when these doctrines are so prodigiously in arrear of the general progress of thought as the doctrines of the Church of England now are, the philosophy resulting will have a tendency, not to promote, but to arrest, progress.

Without the slightest wish to speak in disparagement of Dr. Whewell's labors, and with no ground for questioning his sincerity of purpose, we think the preceding remark thoroughly applicable to his philosophical speculations. We do not say the intention, but certainly the tendency, of his efforts, is to shape the whole of philosophy, physical as well as moral, into a form adapted to serve as a support and a justification to any opinions which happen to be established. A writer who has gone beyond all his predecessors in the manufacture of necessary truths, that is, of propositions, which, according to him, may be known to be true, independently of proof; who ascribes this self-evidence to the larger generalities of all sciences (however little obvious at first) as soon as they have become familiar, — was still more certain to regard all moral propositions familiar to him from his early years as self-evident truths. His "Elements of Morality" could be nothing better than a classification and systematizing of the opinions which he found prevailing among those who had been educated according to the approved methods of his own country; or, let us rather say, an apparatus for converting those prevailing opinions on matters of morality into reasons for themselves.

This, accordingly, is what we find in Dr. Whewell's volumes; while we have sought in vain for the numerous minor merits which give a real scientific value to his previous works. If the "Philosophy of the Inductive Sciences" was, as we think, an erroneous philosophy, it contained much that was not unfit to find place in a better, and was often calculated to suggest deeper thoughts than it possessed of its own. But, in the

"Elements of Morality," he leaves the subject so exactly as he found it; the book is so mere a catalogue of received opinions, containing nothing to correct any of them, and little which can work with any potency even to confirm them, — that it can scarcely be counted as any thing more than one of the thousand waves on the dead sea of commonplace, affording nothing to invite or to reward a separate examination. We should not, therefore, have felt called upon to concern ourselves specially about it, if Dr. Whewell had not, in his more recent publication, "Lectures on the History of Moral Philosophy in England," undertaken to characterize and criticise, from his own point of view, all other English writers on moral philosophy, and particularly those who derive their ethical conclusions, not from internal intuition, but from an external standard. So long as he contented himself with giving what we think bad reasons for common opinions, there was not much inducement to interfere with them; but assaults on the only methods of philosophizing from which any improvement in ethical opinions can be looked for ought to be repelled. And, in doing this, it is necessary to extend our comments to some of Dr. Whewell's substantive opinions also. When he argues in condemnation of any external standard, and especially of utility, or tendency to happiness, as the principle or test of morality, it is material to examine how he gets on without it; how he fares in the attempt to construct a coherent theory of morals on any other basis. We shall make use of his larger work in so far only as it is evidence on this point.

Even with the "Lectures," considered as giving an

account of English speculations on moral philosophy previous to the age of Bentham and Paley, it is not our purpose to meddle: Hobbes, therefore, and Locke, must be left in the hands of Dr. Whewell, without any attempt either to correct his estimate of their opinions, or to offer any judgment of our own. This historical sketch suggests, however, one remark of an historical character, not new to any one who is conversant with the writings of English thinkers on ethical subjects. During the greater part of the eighteenth century, the received opinions in religion and ethics were chiefly attacked, as by Shaftesbury, and even by Hume, on the ground of instinctive feelings of virtue, and the theory of a moral taste or sense. As a consequence of this, the defenders of established opinions, both lay and clerical, commonly professed utilitarianism. To the many writers on the side of orthodoxy, of the utilitarian school, mentioned by Dr. Whewell, might be added several of at least equal note whom he has omitted; as John Brown, the author of "Essays on the Characteristics;" Soame Jenyns, and his more celebrated reviewer, Dr. Johnson; all of whom, as explicitly as Bentham, laid down the doctrine, that utility is the foundation of morals. This series of writers attained its culmination in Paley, whose treatise, proclaiming without evasion or circumlocution, not only expediency as the end, but (a very different doctrine) simple self-interest as the motive, of virtue, and deducing from these premises all the orthodox conclusions, became the text-book of moral philosophy in one of the two universities of the Church of England. But a change ensued; and the utilitarian doctrine, which had been the

favorite theory of the defenders of orthodoxy, began to be used by its assailants. In the hands of the French philosophers, and in those of Godwin and of Bentham,—who, though earlier than Godwin in date, was later in acquiring popular influence,—a moral philosophy founded on utility led to many conclusions very unacceptable to the orthodox. For a whole generation, so effectual a fight was kept up against those conclusions, by bayonets in the field, and prosecutions in the courts of justice, that there seemed no necessity for taking much concern about the premises: but when those carnal weapons fell into disuse, and the spirit which had wielded them was laid; when the battle of established opinions in Church and State had again to be fought by argument,—a demand arose for metaphysics and moral philosophy, of the kind most remote from that which appeared so full of danger to received opinions. Utility was now abjured as a deadly heresy, and the doctrine of *à-priori* or self-evident morality—an end in itself, independent of all consequences—became the orthodox theory. Having once entered into this course, and gone in search of a philosophical system to be extracted from the mind itself, without any external evidence, the defenders of orthodoxy were insensibly led to seek their system where it exists in the most elaborate shape,—in the German metaphysicians. It was not without reluctance that they found themselves engaged in this path; for German metaphysics in Germany lay under as grave a suspicion of religious scepticism as the rival philosophy in England or France. But it was found, on trial, that philosophy of this cast admitted of easy adaptation, and would bend to the very Thirty-nine



Articles; as it is the essence of a philosophy which seeks its evidence in internal conviction, that it bears its testimony with equal ease for any conclusions in favor of which there is a predisposition, and is sceptical with the sceptical, and mystical with the mystical. Accordingly, the tone of religious metaphysics, and of the ethical speculations connected with religion, is now altogether Germanized; and Dr. Whewell, by his writings, has done no little to impress upon the metaphysics of orthodoxy this change of character.

It has always been indistinctly felt that the doctrine of *à-priori* principles is one and the same doctrine, whether applied to the *δν* or the *δεόν*, — to the knowledge of truth, or to that of duty; that it belongs to the same general tendency of thought, to extract from the mind itself, without any outward standard, principles and rules of morality, and to deem it possible to discover, by mere introspection into our minds, the laws of external nature. Both forms of this mode of thought attained a brilliant development in Descartes, the real founder of the modern anti-inductive school of philosophy. The Cartesian tradition was never lost, being kept alive by direct descent through Spinoza, Leibnitz, and Kant, to Schelling and Hegel: but the speculations of Bacon and Locke, and the progress of the experimental sciences, gave a long period of predominance to the philosophy of experience; and though many followed out that philosophy into its natural alliances, and acknowledged not only observation and experiment as rulers of the speculative world, but utility of the practical, others thought that it was scientifically possible to separate the two opinions, and professed themselves Baconians

in the physical department, remaining Cartesians in the moral. It will probably be thought by posterity to be the principal merit of the German metaphysicians of the last and present age, that they have proved the impossibility of resting on this middle ground of compromise; and have convinced all thinkers of any force, that, if they adhere to the doctrine of *à-priori* principles of morals, they must follow Descartes and Hegel in ascribing the same character to the principles of physics.

On the present occasion, it is only with the moral branch of the subject that we have to deal; and we shall begin by showing in what manner Dr. Whewell states the question between us.

“Schemes of morality, that is, modes of deducing the rules of human action, are of two kinds,—those which assert it to be the law of human action to aim at some external object (external, that is, to the mind which aims), as, for example, those which in ancient or modern times have asserted pleasure or utility, or the greatest happiness of the greatest number, to be the true end of human action; and those which would regulate human action by an internal principle or relation, as conscience, or a moral faculty, or duty, or rectitude, or the superiority of reason to desire. These two kinds of schemes may be described respectively as *dependent* and *independent* morality. Now, it is here held that independent morality is the true scheme. We maintain, with Plato, that reason has a natural and rightful authority over desire and affection; with Butler, that there is a difference of kind in our principles of action; with the general voice of mankind, that we must do what is right, at whatever cost of pain and loss. We deny the doctrine of the ancient Epicureans, that pleasure is the supreme good; of Hobbes, that moral rules

are only the work of men's mutual fear; of Paley, that what is expedient is right, and that there is no difference among pleasures except their intensity and duration; and of Bentham, that the rules of human action are to be obtained by casting up the pleasures which actions produce. But though we thus take our stand upon the ground of independent morality, as held by previous writers, we hope that we are (by their aid mainly) able to present it in a more systematic and connected form than has yet been done." — *Introductory Lecture*, pp. ix. x.

There is, in this mode of stating the question, great unfairness to the doctrine of "dependent morality," as Dr. Whewell terms it, though the word "independent" is fully as applicable to it as to the intuition doctrine. He appropriates to his own side of the question all the expressions, such as conscience, duty, rectitude, with which the reverential feelings of mankind towards moral ideas are associated; and cries out, "*I* am for these noble things: *you* are for pleasure or utility." We cannot accept this as a description of the matter in issue. Dr. Whewell is assuming to himself what belongs quite as rightfully to his antagonists. We are as much for conscience, duty, rectitude, as Dr. Whewell. The terms, and all the feelings connected with them, are as much a part of the ethics of utility as of that of intuition. The point in dispute is, what acts are the proper objects of those feelings; whether we ought to take the feelings as we find them, as accident or design has made them, or whether the tendency of actions to promote happiness affords a test to which the feelings of morality should conform. In the same spirit, Dr. Whewell announces it as *his* opinion, as

the side *he* takes in this great controversy, "that we must do what is right, at whatever cost of pain and loss,"—as if this was not everybody's opinion; as if it was not the very meaning of the word "right." The matter in debate is, what *is* right, not whether what is right ought to be done. Dr. Whewell represents his opponents as denying an identical proposition, in order that he may claim a monopoly of high principle for his own opinions. The same unfairness pervades the whole phraseology. It is not only Dr. Whewell who "maintains, with Plato, that reason has a rightful authority over desire and affection;" everybody maintains it: only, what *is* reason? and by what rule is it to guide and govern the desires and affections? The description of Bentham, as obtaining his rule of conduct by "casting up the pleasures which actions produce," ought to be "casting up the pleasures and pains which actions produce,"—a very different thing.

As might be expected from the historical character of the Lectures, the discussion of opinions mostly assumes the form of criticism on writers. Dr. Whewell's objections to utility, or the "greatest happiness," as the standard of morals, are chiefly contained in his animadversions on Paley and on Bentham. It would be quite open to a defender of the principle of utility to refuse encumbering himself with a defence of either of those authors. The principle is not bound up with what they have said in its behalf, nor with the degree of felicity which they may have shown in applying it. As for Paley, we resign him without compunction to the tender mercies of Dr. Whewell. It concerns Dr. Whewell more than ourselves to uphold the reputation of a

writer, who, whatever principle of morals he professed, seems to have had no object but to insert it as a foundation underneath the existing set of opinions, ethical and political; who, when he had laid down utility as the fundamental axiom, and the recognition of general rules as the condition of its application, took his leave of scientific analysis, and betook himself to picking up utilitarian reasons by the wayside, in proof of all accredited doctrines, and in defence of most tolerated practices. Bentham was a moralist of another stamp. With him, the first use to be made of his ultimate principle, was to erect on it, as a foundation, secondary or middle principles, capable of serving as premises for a body of ethical doctrine not derived from existing opinions, but fitted to be their test. Without such middle principles, an universal principle, either in science or in morals, serves for little but a thesaurus of commonplaces for the discussion of questions, instead of a means of deciding them. If Bentham has been regarded, by subsequent adherents of a morality grounded on the "greatest happiness," as in a peculiar sense the founder of that system of ethics, it is not because, as Dr. Whewell imagines (p. 190), he either thought himself, or was thought by others, to be the "discoverer of the principle," but because he was the first, who, keeping clear of the direct and indirect influences of all doctrines inconsistent with it, deduced a set of subordinate generalities from utility alone, and by these consistently tested all particular questions. This great service, previously to which a scientific doctrine of ethics on the foundation of utility was impossible, has been performed by Bentham (though with a view to the exigencies of

legislation more than to those of morals) in a manner, as far as it goes, eminently meritorious, and so as to indicate clearly the way to complete the scheme. We must at the same time qualify our approbation by adding, not that his practical conclusions in morals were often wrong, — for we think, that, as far as they went, they were mostly right, — but that there were large deficiencies and hiatuses in his scheme of human nature and life, and a consequent want of breadth and comprehension in his secondary principles, which led him often to deduce just conclusions from premises so narrow as to provoke many minds to a rejection of what was nevertheless truth. It is by his *method* chiefly, that Bentham, as we think, justly earned a position in moral science analogous to that of Bacon in physical. It is because he was the first to enter into the right mode of working ethical problems, though he worked many of them, as Bacon did physical, on insufficient data. Dr. Whewell's shafts, however, seldom touch Bentham where he is really vulnerable: they are mostly aimed at his strong points.

Before commencing his attack on Bentham's opinions, Dr. Whewell gives a sketch of his life. In this there is an apparent desire to be just to Bentham, as far as the writer's opinions allow. But there is, in some of the strictures, a looseness of expression scarcely excusable in an extemporaneous lecture, and still less in a printed book. "He (Bentham) showed very early that peculiar one-sidedness, in his mode of asserting and urging his opinions, which made him think all moderation with regard to his opponents superfluous and absurd" (p. 189). What is here called "one-sidedness

in his mode of asserting and urging his opinions" must mean one-sidedness in the opinions themselves. It could not be Bentham's "mode of asserting his opinions" that "made him think" whatever he did think. This is as if any one should say, "His speaking only English made him unable to understand French;" or, "His peculiar habit of fighting made him think it superfluous and absurd to keep the peace." Again (p. 190): "Bentham appears to have been one of those persons to whom every thing which passes through their own thoughts assumes quite a different character and value from that which the same thing had when it passed through the thoughts of other persons." If a thought in a person's own mind did not assume a different character from what the same thought had in other minds, people might as well think by deputy.

A more serious injustice to Bentham is that of citing, as is constantly done in this volume, the book called "Deontology" as the authentic exposition of Bentham's philosophy of morals. Dr. Whewell would, no doubt, justify this by saying, that the book in question is the only treatise, expressly and exclusively on morals, which we have from Bentham. It is true that we have no other; but the "Deontology" was not, and does not profess to be, written by Bentham. Still less ought that book to be represented as the embodiment of the opinions and mental characteristics of all who share Bentham's general conception of ethics. After charging the compiler of the "Deontology" with profound ignorance, and saying that it is almost "superfluous to notice misstatements so gross, and partiality so blind," Dr. Whewell adds, that "such misrepresentations and

such unfairness are the usual style of controversy of him (Bentham) and his disciples ; and it is fit that we, in entering upon the consideration of their writings, should be aware of this." Who are the persons here included under the name of Bentham's "disciples," we are not enabled to judge ; nor are we aware that Bentham ever had any disciples, in Dr. Whewell's sense of the term. As far as our means of observation have gone, which in this matter are considerably greater than Dr. Whewell's, those who, from the amount of their intellectual obligations to Bentham, would be the most likely to be classed by Dr. Whewell as Benthamites, were and are persons in an unusual degree addicted to judging and thinking for themselves ; persons remarkable for learning willingly from all masters, but swearing blind fealty to none. It is also a fact, with which Dr. Whewell cannot be altogether unacquainted, that among them there have been men of the widest and most accurate acquirements in history and philosophy, against whom the accusation of ignorance of the opinions which they controverted would be as unfounded as the imputation of blind partiality. We protest against including them and Bentham in an imaginary sect of which the "Deontology" is to be considered the gospel. Bentham's merits or demerits must stand on what is contained in the books written by himself.

Among these, the one in which the doctrine of utility is expressly discussed, and contrasted with the various ethical doctrines opposed to it, is the "Introduction to the Principles of Morals and Legislation," published in 1789. On this, Dr. Whewell comments as follows :—



"The first chapter of this work is 'On the Principle of Utility;' the second, 'On Principles adverse to that of Utility.' These adverse principles are stated to be two,—the Principle of Asceticism, and the Principle of Sympathy." (Bentham calls it the Principle of Sympathy and Antipathy, which is already a considerable difference.) "The principle of asceticism is that principle which approves of actions in proportion as they tend to *diminish* human happiness; and, conversely, disapproves of them as they tend to augment it. The principle of sympathy is that which approves or disapproves of certain actions, merely because a man finds himself disposed to approve or disapprove of them; holding up that approbation or disapprobation as a sufficient reason for itself, and disclaiming the necessity of looking out for any extrinsic ground."

And these two principles are, it seems, according to Bentham's view, the only principles which are, or which can be, opposed to the principle of utility!

"Now, it is plain that these are not only not fair representations of any principles ever held by moralists, or by any persons speaking gravely and deliberately, but that they are too extravagant and fantastical to be accepted even as caricatures of any such principles. For who ever approved of actions because they tend to make mankind miserable? or who ever said any thing which could, even in an intelligible way of exaggeration, be so represented? . . . But who, then, are the ascetic school who are thus ridiculed? We could not, I think, guess from the general description thus given; but, from a note, it appears that he had the Stoical philosophers and the religious ascetics in his mind. With regard to the Stoics, it would, of course, be waste of time and thought to defend them from such coarse buffoonery as this; which does not touch their defects, whatever these may be," &c.—p. 202.

Not solely for the due estimation of Bentham, but for the right understanding of the utilitarian controversy, it is important to know what the truth is respecting the points here in issue between Bentham and Dr. Whewell.

Undoubtedly, no one has set up, in opposition to the "greatest-happiness" principle, a "greatest-unhappiness" principle, as the standard of virtue. But it was Bentham's business, not merely to discuss the avowed principles of his opponents, but to draw out those, which, without being professed as principles, were implied in detail, or were essential to support the judgments passed in particular cases. His own doctrine being that the increase of pleasure and the prevention of pain were the proper ends of all moral rules, he had for his opponents all who contended that pleasure could ever be an evil, or pain a good, in itself, apart from its consequences. Now, this, whatever Dr. Whewell may say, the religious ascetics really did. They held that self-mortification, or even self-torture, practised for its own sake, and not for the sake of any useful end, was meritorious. It matters not that they may have expected to be rewarded for these merits by consideration in this world, or by the favor of an invisible tyrant in a world to come. So far as this life was concerned, their doctrine required it to be supposed that pain was a thing to be sought, and pleasure to be avoided. Bentham generalized this into a maxim, which he called the principle of asceticism. The Stoics did not go so far as the ascetics: they stopped half-way. They did not say that pain is a good, and pleasure an evil. But they said, and boasted of saying, that pain is no evil,

and pleasure no good; and this is all, and more than all, that Bentham imputes to them, as may be seen by any one who reads that chapter of his book. This, however, was enough to place them, equally with the ascetics, in direct opposition to Bentham, since they denied his supreme end to be an end at all. And hence he classed them and the ascetics together, as professing the direct negation of the utilitarian standard.

In the other division of his opponents he placed those, who, though they did not deny pleasure to be a good, and pain an evil, refused to consider the pain or the pleasure which an action or a class of actions tends to produce as the criterion of its morality. As the former category of opponents were described by Bentham as followers of the "principle of asceticism," so he described these as followers of "the principle of sympathy and antipathy," not because they had themselves generalized their principle of judgment, or would have acknowledged it when placed undisguised before them, but because, at the bottom of what they imposed on themselves and others as reasons, he could find nothing else; because they all, in one phrase or another, placed the test of right and wrong in a feeling of approbation or disapprobation, thus making the feeling its own reason and its own justification. This portion of Bentham's doctrine can only be fairly exhibited in his own words:—

"It is manifest that this [the principle of sympathy and antipathy] is rather a principle in name than in reality: it is not a positive principle of itself, so much as a term employed to signify the negation of all principle. What one expects to find in a principle is something that points out some external

consideration as a means of warranting and guiding the internal sentiments of approbation and disapprobation: this expectation is but ill fulfilled by a proposition which does neither more nor less than hold up each of these sentiments as a ground and standard for itself.

“In looking over the catalogue of human actions (says a partisan of this principle), in order to determine which of them are to be marked with the seal of disapprobation, you need but to take counsel of your own feelings: whatever you find in yourself a propensity to condemn, is wrong for that very reason. For the same reason, it is also meet for punishment: in what proportion it is adverse to utility, or whether it be adverse to utility at all, is a matter that makes no difference. In that same proportion also is it meet for punishment: if you hate much, punish much; if you hate little, punish little: punish as you hate. If you hate not at all, punish not at all: the fine feelings of the soul are not to be overborne and tyrannized by the harsh and rugged dictates of political utility.

“The various systems that have been formed concerning the standard of right and wrong may all be reduced to the principle of sympathy and antipathy. One account may serve for all of them. They consist, all of them, in so many contrivances for avoiding the obligation of appealing to any external standard, and for prevailing upon the reader to accept of the author’s sentiment or opinion as a reason for itself. The phrase is different, but the principle the same.

“It is curious enough to observe the variety of inventions men have hit upon, and the variety of phrases they have brought forward, in order to conceal from the world, and, if possible, from themselves, this very general, and therefore very pardonable, self-sufficiency.

“One man says he has a thing made on purpose to tell him what is right and what is wrong, and that it is called a *moral sense*; and then he goes to work at his ease, and says

such a thing is right, and such a thing is wrong: why?  
“Because my moral sense tells me it is.”

“Another man comes, and alters the phrase; leaving out *moral*, and putting in *common* in the room of it. He then tells you, that his common sense teaches him what is right and wrong, as much as the other’s moral sense did: meaning, by common sense, a sense, of some kind or other, which, he says, is possessed by all mankind; the sense of those whose sense is not the same as the author’s being struck out of the account, as not worth taking. This contrivance does better than the other; for, a moral sense being a new thing, a man may feel about him a good while without being able to find it out: but common sense is as old as the creation; and there is no man but would be ashamed to be thought not to have as much of it as his neighbors. It has another great advantage: by appearing to share power, it lessens envy; for when a man gets up upon this ground, in order to anathematize those who differ from him, it is not by a *sic volo sic jubeo*, but by a *velitis jubeatis*.

“Another man comes, and says, that, as to a moral sense indeed, he cannot find that he has any such thing; that, however, he has an *understanding*, which will do quite as well. This understanding, he says, is the standard of right and wrong: it tells him so and so. All good and wise men understand as he does: if other men’s understandings differ in any point from his, so much the worse for them; it is a sure sign they are either defective or corrupt.

“Another man says that there is an eternal and immutable rule of right; that that rule of right dictates so and so: and then he begins giving you his sentiments upon any thing that comes uppermost; and these sentiments (you are to take for granted) are so many branches of the eternal rule of right.

“Another man, or perhaps the same man (it’s no matter), says that there are certain practices conformable, and others repugnant, to the fitness of things; and then he tells you at

his leisure what practices are conformable, and what repugnant, just as he happens to like a practice or dislike it.

“A great multitude of people are continually talking of the law of nature; and then they go on giving you their sentiments about what is right and what is wrong; and these sentiments, you are to understand, are so many chapters and sections of the law of nature.

“We have one philosopher who says there is no harm in any thing in the world but in telling a lie; and that, if, for example, you were to murder your own father, this would only be a particular way of saying he was not your father. Of course, when this philosopher sees any thing that he does not like, he says it is a particular way of telling a lie. It is saying that the act ought to be done, or may be done, when, *in truth*, it ought not to be done.” — Chap. ii.

To this, Dr. Whewell thinks it a sufficient answer to call it extravagant ridicule, and to ask, “Who ever asserted that he approved or disapproved of actions merely because he found himself disposed to do so, and that this was reason sufficient in itself for his moral judgments?” Dr. Whewell will find that this by no means disposes of Bentham’s doctrine. Bentham did not mean that people “ever asserted” that they approved or condemned actions only because they felt disposed to do so. He meant that they do it without asserting it; that they find certain feelings of approbation and disapprobation in themselves, take for granted that these feelings are the right ones, and, when called on to say any thing in justification of their approbation or disapprobation, produce phrases which mean nothing but the fact of the approbation or disapprobation itself. If the hearer or reader feels in the same way, the phrases pass muster; and a great part of all the ethical

reasoning in books and in the world is of this sort. All this is not only true, but cannot consistently be denied by those who, like Dr. Whewell, consider the moral feelings as their own justification. Dr. Whewell will doubtless say that the feelings they appeal to are not their own individually, but a part of universal human nature. Nobody denies that they say so : a feeling of liking or aversion to an action, confined to an individual, would have no chance of being accepted as a reason. The appeal is always to something which is assumed to belong to all mankind. But it is not of much consequence whether the feeling which is set up as its own standard is the feeling of an individual human being or of a multitude. A feeling is not proved to be right, and exempted from the necessity of justifying itself, because the writer or speaker is not only conscious of it in himself, but expects to find it in other people ; because, instead of saying "I," he says "you and I." If it is alleged that the intuitive school require, as an authority for the feeling, that it should *in fact* be universal, we deny it. They assume the utmost latitude of arbitrarily determining whose votes deserve to be counted. They either ignore the existence of dissentients, or leave them out of the account, on the pretext that they have the feeling which they deny having ; or, if not, that they ought to have it. This falsification of the universal suffrage, which is ostensibly appealed to, is not confined, as is often asserted, to cases in which the only dissentients are barbarous tribes. The same measure is dealt out to whole ages and nations, the most conspicuous for the cultivation and development of their mental faculties, and to individ-

uals among the best and wisest of their respective countries. The explanation of the matter is, the inability of persons in general to conceive that feelings of right and wrong, which have been deeply implanted in their minds by the teaching they have from infancy received from all around them, can be sincerely thought by any one else to be mistaken or misplaced. This is the mental infirmity which Bentham's philosophy tends especially to correct, and Dr. Whewell's to perpetuate. Things which were really believed by all mankind, and for which all were convinced that they had the unequivocal evidence of their senses, have been proved to be false ; as that the sun rises and sets. Can immunity from similar error be claimed for the moral feelings ? when all experience shows that those feelings are eminently artificial, and the product of culture ; that, even when reasonable, they are no more spontaneous than the growth of corn and wine (which are quite as natural) ; and that the most senseless and pernicious feelings can as easily be raised to the utmost intensity by inculcation, as hemlock and thistles could be reared to luxuriant growth by sowing them instead of wheat. Bentham, therefore, did not judge too severely a kind of ethics whereby any implanted sentiment which is tolerably general may be erected into a moral law, binding, under penalties, on all mankind. The contest between the morality which appeals to an external standard, and that which grounds itself on internal conviction, is the contest of progressive morality against stationary, — of reason and argument against the deification of mere opinion and habit. The doctrine that the existing order of things is the natural order, and



that, being natural, all innovation upon it is criminal, is as vicious in morals as it is now at last admitted to be in physics and in society and government.

Let us now consider Dr. Whewell's objections to utility as the foundation of ethics.

"Let it be taken for granted, as a proposition which is true, if the terms which it involves be duly understood, that actions are right and virtuous in proportion as they promote the happiness of mankind; the actions being considered upon the whole, and with regard to all their consequences. Still, I say, we cannot make this truth the basis of morality, for two reasons: first, we cannot calculate all the consequences of any action, and thus cannot estimate the degree in which it promotes human happiness; second, happiness is derived from moral elements, and therefore we cannot properly derive morality from happiness. The calculable happiness resulting from actions cannot determine their virtue: first, because the resulting happiness is not calculable; and, secondly, because the virtue is one of the things which determine the resulting happiness." — p. 210.

The first of these arguments is an irrelevant truism. "We cannot calculate *all* the consequences of any action." If Dr. Whewell can point out any department of human affairs in which we can do *all* that would be desirable, he will have found something new. But, because we cannot foresee every thing, is there no such thing as foresight? Does Dr. Whewell mean to say that no estimate can be formed of consequences, which can be any guide for our conduct, unless we can calculate *all* consequences? that, because we cannot predict every effect which may follow from a person's death, we cannot know that the liberty of murder would be

destructive to human happiness? Dr. Whewell, in his zeal against the morality of consequences, commits the error of proving too much. Whether morality is or is not a question of consequences, he cannot deny that prudence is ; and, if there is such a thing as prudence, it is because the consequences of actions *can* be calculated. Prudence, indeed, depends on a calculation of the consequences of individual actions ; while, for the establishment of moral rules, it is only necessary to calculate the consequences of classes of actions, — a much easier matter. It is certainly a very effectual way of proving that morality does not depend on expediency, to maintain that there is no such thing as expediency ; that we have no means of knowing whether any thing is expedient or not. Unless Dr. Whewell goes this length, to what purpose is what he says about the uncertainty of consequences? Uncertain or certain, we are able to guide ourselves by them : otherwise human life could not exist. And there is hardly any one concerned in the business of life who has not daily to decide questions of expediency far more knotty than those which Dr. Whewell so coolly pronounces to be insoluble.

But let us examine more closely what Dr. Whewell finds to say for the proposition, that, “if we ask whether a given action will increase or diminish the total amount of human happiness, it is impossible to answer with any degree of certainty.”

“Take ordinary cases. I am tempted to utter a flattering falsehood ; to gratify some sensual desire contrary to ordinary moral rules. How shall I determine, on the greatest-happiness principle, whether the act is virtuous, or the contrary ?

In the first place, the direct effect of each act is to give pleasure, to another by flattery, to myself by sensual gratification; and pleasure is the material of happiness, in the scheme we are now considering. But, by the flattering lie, I promote falsehood, which is destructive of confidence, and so of human comfort. Granted that I do this in some degree; although I may easily say that I shall never allow myself to speak falsely, except when it will give pleasure; and thus I may maintain that I shall not shake confidence in any case in which it is of any value. But granted that I do, in some degree, shake the general fabric of mutual human confidence by my flattering lie: still the question remains, *how much* I do this; whether in such a degree as to overbalance the pleasure, which is the primary and direct consequence of the act. How small must be the effect of my solitary act upon the whole scheme of human action and habit! how clear and decided is the direct effect of increasing the happiness of my hearer! And in the same way we may reason concerning the sensual gratification. Who will know it? Who will be influenced by it of those who do know it? What appreciable amount of pain will it produce in its consequences, to balance the palpable pleasure, which, according to our teachers, is the only real good? It appears to me that it is impossible to answer these questions in any way which will prove, on these principles, mendacious flattery and illegitimate sensuality to be vicious and immoral. They may possibly produce, take in all their effects, a balance of evil: but, if they do, it is by some process which we cannot trace with any clearness; and the result is one which we cannot calculate with any certainty, or even probability; and therefore, on this account, because the resulting evil of such falsehood and sensuality is not calculable or appreciable, we cannot, by calculation of resulting evil, show falsehood and sensuality to be vices. And the like is true of other vices; and, on this ground, the construction of a scheme of morality on Mr. Bentham's plan is plainly impossible"—p. 211.

Dr. Whewell supposes his self-deceiving utilitarian to be very little master of his own principles. If the effect of a "solitary act upon the whole scheme of human action and habit" is small, the addition which the accompanying pleasure makes to the general mass of human happiness is small likewise. So small, in the great majority of cases, are both, that we have no scales to weigh them against each other, taken singly. We must look at them multiplied, and in large masses. The portion of the tendencies of an action which belong to it — not individually, but as a violation of a general rule — are as certain and as calculable as any other consequences: only they must be examined, not in the individual case, but in classes of cases. Take, for example, the case of murder. There are many persons, to kill whom would be to remove men who are a cause of no good to any human being, of cruel physical and moral suffering to several, and whose whole influence tends to increase the mass of unhappiness and vice. Were such a man to be assassinated, the balance of traceable consequences would be greatly in favor of the act. The counter-consideration, on the principle of utility, is, that unless persons were punished for killing, and taught not to kill; that if it were thought allowable for any one to put to death at pleasure any human being whom he believes that the world would be well rid of, — nobody's life would be safe. To this, Dr. Whewell answers: —

"How does it appear that the evil, that is, the pain, arising from violating a general rule once, is too great to be overbalanced by the pleasurable consequences of that single violation? The actor says, I acknowledge the general rule: I

do not deny its value; but I do not intend that this one act should be drawn into consequence." — p. 212:

But it does not depend on him whether or not it shall be drawn into consequence. If one person may break through the rule on his own judgment, the same liberty cannot be refused to others; and, since no one could rely on the rule's being observed, the rule would cease to exist. If a hundred infringements would produce all the mischief implied in the abrogation of the rule, a hundredth part of that mischief must be debited to each one of the infringements, though we may not be able to trace it home individually. And this hundredth part will generally far outweigh any good expected to arise from the individual act. We say generally, not universally; for the admission of exceptions to rules is a necessity equally felt in all systems of morality. To take an obvious instance: the rule against homicide, the rule against deceiving, the rule against taking advantage of superior physical strength, and various other important moral rules, are suspended against enemies in the field, and partially against malefactors in private life; in each case, suspended as far as is required by the peculiar nature of the case. That the moralities arising from the special circumstances of the action may be so important as to overrule those arising from the class of acts to which it belongs, perhaps to take it out of the category of virtues into that of crimes, or *vice versâ*, is a liability common to all ethical systems.

And here it may be observed, that Dr. Whewell, in his illustration drawn from flattering lies, gives to the

side he advocates a color of rigid adherence to principle which the fact does not bear out. Is none of the intercourse of society carried on by those who hold the common opinions by means of what is here meant by "flattering lies"? Does no one of Dr. Whewell's way of thinking say, or allow it to be thought, that he is glad to see a visitor whom he wishes away? Does he never ask acquaintances or relatives to stay when he would prefer them to go, or invite them when he hopes that they will refuse? Does he never show any interest in persons and things he cares nothing for, or send people away believing in his friendly feeling, to whom his real feeling is indifference, or even dislike? Whether these things are right, we are not now going to discuss. For our part, we think that flattery should be only permitted to those who can flatter without lying, as all persons of sympathizing feelings and quick perceptions can. At all events, the existence of exceptions to moral rules is no stumbling-block peculiar to the principle of utility. The essential is, that the exception should be itself a general rule; so that, being of definite extent, and not leaving the expediciencies to the partial judgment of the agent in the individual case, it may not shake the stability of the wider rule in the cases to which the reason of the exception does not extend. This is an ample foundation for "the construction of a scheme of morality." With respect to the means of inducing people to conform in their actions to the scheme so formed, the utilitarian system depends, like all other schemes of morality, on the external motives supplied by law and opinion, and the internal feelings produced by education or reason. It is thus no worse off in this respect

than any other scheme, — we might rather say, much better; inasmuch as people are likely to be more willing to conform to rules when a reason is given for them.

Dr. Whewell's second argument against the happiness principle is, that the morality of actions cannot depend on the happiness they produce, because the happiness depends on the morality.

“Why should a man be truthful and just? Because acts of veracity and justice, even if they do not produce immediate gratification to him and his friends in other ways (and it may easily be that they do not), at least produce pleasure in this way, that they procure him his own approval and that of all good men. To us this language is intelligible and significant; but the Benthamite must analyze it further. What does it mean, according to him? A man's own approval of his act means that he thinks it virtuous. And therefore the matter stands thus: He (being a Benthamite) thinks it virtuous because it gives him pleasure; and it gives him pleasure because he thinks it virtuous. This is a vicious circle, quite as palpable as any of those in which Mr. Bentham is so fond of representing his adversaries as revolving. And in like manner with regard to the approval of others. The action is virtuous, says the Benthamite, because it produces pleasure; namely, the pleasure arising from the approval of neighbors: they approve it, and think it virtuous, he also says, because it gives pleasure. The virtue depends upon the pleasure; the pleasure depends upon the virtue. Here, again, is a circle from which there is no legitimate egress. We may grant, that taking into account all the elements of happiness; the pleasures of self-approval; of peace of mind and harmony within us, and of the approval of others; of the known sympathy of all good men, — we may grant, that, including these elements, virtue always does produce an overbalance of happiness; but

then we cannot make this moral truth the basis of morality, because we cannot extricate the happiness and the virtue, the one from the other, so as to make the first, the happiness, the foundation of the second, the virtue." — p. 215.

In Dr. Whewell's first argument against utility, he was obliged to assert that it is impossible for human beings to know that some actions are useful, and others hurtful. In the present, he forgets against what principle he is combating, and draws out an elaborate argument against something else. What he now appears to be contending against is the doctrine (whether really held by any one or not), that the test of morality is the greatest happiness of the agent himself. It argues total ignorance of Bentham to represent him as saying that an action is virtuous because it produces "the approbation of neighbors," and as making so "fluctuating" a thing as "public opinion," and such a "loose and wide abstraction as education," the "basis of morality." When Bentham talks of public opinion in connection with morality, he is not talking of the "basis of morality" at all. He was the last person to found the morality of actions upon anybody's opinion of them. He founded it upon facts; namely, upon the observed tendencies of the actions. Nor did he ever dream of defining morality to be the self-interest of the agent. His "greatest-happiness principle" was the greatest happiness of mankind, and of all sensitive beings. When he talks of education, and of "the popular or moral sanction," meaning the opinion of our fellow-creatures, it is not as constituents or tests of virtue, but as *motives* to it; as means of making the self-interest



of the individual *accord* with the greatest-happiness principle.\*

Dr. Whewell's remark, therefore, that the approval of our fellow-creatures, presupposing moral ideas, cannot be the foundation of morality, has no application against Bentham, nor against the principle of utility. It may, however, be pertinently remarked, that the moral ideas which this approval presupposes are no other than those of utility and hurtfulness. There is no great stretch of hypothesis in supposing, that, in proportion as mankind are aware of the tendencies of actions to produce happiness or misery, they will like and commend the first, abhor and reprobate the second. How these feelings of natural complacency, and natural dread and aversion directed towards actions, come to

\* It is curious, that while Dr. Whewell here confounds the Happiness theory of Morals with the theory of Motives sometimes called the Selfish System, and attacks the latter as Bentham's, under the name of the former, Dr. Whewell himself, in his larger work, adopts the Selfish theory. Happiness, he says (meaning, as he explains, our own happiness), is "our being's end and aim:" we cannot desire any thing else, unless by identifying it with our happiness (*Elements*, i. 359). To this we should have nothing to object, if by identification was meant that what we desire unselfishly must first, by a mental process, become an actual part of what we seek as our own happiness; that the good of others becomes our pleasure because we have learnt to find pleasure in it: this is, we think, the true philosophical account of the matter. But we do not understand this to be Dr. Whewell's meaning; for, in an argument to prove that there is no virtue without religion, he says that religion alone can assure us of the identity of happiness with duty. Now, if the happiness connected with duty were the happiness we find in our duty, self-consciousness would give us a full account of this, without religion. The happiness, therefore, which Dr. Whewell means, must consist, not in the thing itself, but in a reward appended to it; and when he says that there can be no morality unless we believe that happiness is identical with duty, and that we cannot believe this apart from "the belief in God's government of the world," he must mean that no one would act virtuously unless he believed that God would reward him for it. In Dr Whewell's view of morality, therefore, disinterestedness has no place.

assume the peculiar character of what we term *moral* feelings, is not a question of ethics, but of metaphysics, and very fit to be discussed in its proper place. Bentham did not concern himself with it. He left it to other thinkers. It sufficed him that the perceived influence of actions on human happiness is cause enough, both in reason and in fact, for strong feelings of favor to some actions, and of hatred towards others. From the sympathetic re-action of these feelings in the imagination and self-consciousness of the agent naturally arise the more complex feelings of self-approbation and self-reproach; or, to avoid all disputed questions, we will merely say, of satisfaction and dissatisfaction with ourselves. All this must be admitted, whatever else may be denied. Whether the greatest happiness is the principle of morals or not, people do desire their own happiness, and do, consequently, like the conduct in other people which they think promotes it, and dislike that which visibly endangers it. This is absolutely all that Bentham postulates. Grant this, and you have his popular sanction, and its re-action on the agent's own mind; two influences tending, in proportion to mankind's enlightenment, to keep the conduct of each in the line which promotes the general happiness. Bentham thinks that there is no other true morality than this, and that the so-called moral sentiments, whatever their origin or composition, should be trained to act in this direction only. And Dr. Whewell's attempt to find any thing illogical or incoherent in this theory only proves that he does not yet understand it.

Dr. Whewell puts the last hand to his supposed refutation of Bentham's principle by what he thinks a

crushing *reductio ad absurdum*. The reader might make a hundred guesses before discovering what this is. We have not yet got over our astonishment, not at Bentham, but at Dr. Whewell. See, he says, to what consequences your greatest-happiness principle leads! Bentham says that it is as much a moral duty to regard the pleasures and pains of other animals as those of human beings. We cannot resist quoting the admirable passage which Dr. Whewell cites from Bentham, with the most *naïf* persuasion that everybody will regard it as reaching the last pitch of paradoxical absurdity :—

“Under the Gentoo and Mahometan religion, the interests of the rest of the animal kingdom seem to have met with some attention. Why have they not universally, with as much as those of human creatures, allowance made for the difference in point of sensibility? Because the laws that are have been the work of mutual fear; a sentiment which the less rational animals have not had the same means as man has of turning to account. Why ought they not? No reason can be given. The day may come when the rest of the animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny. It may come one day to be recognized, that the number of the legs, the villosity of the skin, or the termination of the *os sacrum*, are reasons insufficient for abandoning a sensitive being to the caprice of a tormentor. What else is it that should trace the insuperable line? Is it the faculty of reason, or perhaps the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational as well as a more conversable animal than an infant of a day, a week, or even a month old. But suppose the case were otherwise, what would it avail? The question is not, Can they reason? nor, Can they speak? but, Can they suffer?”

This noble anticipation, in 1780, of the better morality of which a first dawn has been seen in the laws enacted nearly fifty years afterwards against cruelty to animals, is, in Dr. Whewell's eyes, the finishing proof that the morality of happiness is absurd !

"The pleasures of animals are elements of a very different order from the pleasures of man. We are bound to endeavor to augment the pleasures of men, not only because they are pleasures, but because they are human pleasures. We are bound to men by the universal tie of humanity, of human brotherhood. We have no such tie to animals."

This, then, is Dr. Whewell's noble and disinterested ideal of virtue. Duties, according to him, are only duties to ourselves and our like.

"We are to be *humane* to them, because we are *human*, not because we and they alike feel *animal* pleasures. . . . The morality which depends upon the increase of pleasure alone would make it our duty to increase the pleasures of pigs or of geese, rather than that of men, if we were sure that the pleasures we could give them were greater than the pleasures of men. . . . It is not only not an obvious, but to most persons not a tolerable, doctrine, that we may sacrifice the happiness of men, provided we can in that way produce an overplus of pleasure to cats, dogs, and hogs." — pp. 223–5.

It is "to most persons" in the Slave States of America not a tolerable doctrine that we may sacrifice any portion of the happiness of white men for the sake of a greater amount of happiness to black men. It would have been intolerable five centuries ago, "to most persons" among the feudal nobility, to hear it asserted, that the greatest pleasure or pain of a hundred serfs ought not to give way to the smallest of a nobleman. Ac-

according to the standard of Dr. Whewell, the slave-masters and the nobles were right. They, too, felt themselves "bound" by a "tie of brotherhood" to the white men and to the nobility, and felt no such tie to the negroes and serfs. And, if a feeling on moral subjects is right because it is natural, their feeling was justifiable. Nothing is more natural to human beings, nor, up to a certain point in cultivation, more universal, than to estimate the pleasures and pains of others as deserving of regard exactly in proportion to their likeness to ourselves. These superstitions of selfishness had the characteristics by which Dr. Whewell recognizes his moral rules; and his opinion on the rights of animals shows, that, in this case at least, he is consistent. We are perfectly willing to stake the whole question on this one issue. Granted that any practice causes more pain to animals than it gives pleasure to man: is that practice moral or immoral? And if, exactly in proportion as human beings raise their heads out of the slough of selfishness, they do not with one voice answer, "Immoral," let the morality of the principle of utility be for ever condemned.

There cannot be a fitter transition than this subject affords from the Benthamic standard of ethics to that of Dr. Whewell. It is not enough to object to the morality of utility. It is necessary also to show that there is another and a better morality. This is what Dr. Whewell proposes to himself in his *Introductory Lecture*, and in the whole of his previous work, "*Elements of Morality*." We shall now, therefore, proceed to examine Dr. Whewell's achievements as the constructor of a scientific foundation for the theory of morals.

"The moral rule of human action," Dr. Whewell says, is, that "we must do what is right" ("Lectures," p. xi.). Here, at all events, is a safe proposition, since to deny it would be a contradiction in terms. But what is meant by "right"? According to Dr. Whewell, "what we must do." This, he says, is the very definition of right.

"The definition of *rightful*, or of the adjective *right*, is, I conceive, contained in the maxim which I have already quoted as proceeding from the general voice of mankind; namely, this, that we must do what is right, at whatever cost. That an action is right is a reason for doing it, which is paramount to all other reasons, and overweighs them all when they are on the contrary side. It is painful; but it is right: therefore we must do it. It is a loss; but it is right: therefore we must do it. It is unkind; but it is right: therefore we must do it. These are self-evident" [he might have said identical] "propositions. That a thing is right is a *supreme* reason for doing it. *Right* implies this supreme, unconquerable reason, and does this especially and exclusively. No other word does imply such an irresistible cogency in its effect, except in so far as it involves the same notion. What we *ought* to do, what we *should* do, that we *must* do, though it bring pain and loss. But why? *Because* it is *right*. The expressions all run together in their meaning. And this *supreme* rule, that we must do what is right, is also the *moral* rule of human action." — pp. x. xi.

*Right* means that which we *must* do; and the rule of action is, that we must do what is right; that we must do that which we must do. This we will call vicious circle the first. But let us not press hardly on Dr. Whewell at this stage: perhaps he only means that the foundation of morals is the conviction that there is

*something* which we must do at all risks ; and he admits that we have still to find what this *something* is. "What *is* right, what it is that we ought to do, we must have some means of determining, in order to complete our moral scheme." — p. xi.

Attempting, then, to pick out Dr. Whewell's leading propositions, and exhibit them in connection, we find, first, that "the supreme rule of human action, Rightness," ought to control the desires and affections, or otherwise that these are "to be regulated so that they may be right" (xii. xiii.). This does not help towards showing what *is* right.

But, secondly, we come to a "condition which is obviously requisite." In order that the desires and affections which relate to "other men" may be right, "they must conform to this primary and universal condition, that they do not violate the *rights* of others. This condition may not be sufficient, but it is necessary." — p. xiii.

This promises something. In tracing to its elements the idea of Right, the adjective, we are led to the prior, and, it is to be presumed, more elementary, idea of Rights, the substantive. But, now, what are rights? and how came they to be rights?

Before answering these questions, Dr. Whewell gives a classification of rights "commonly recognized among men." He says they are of five sorts, — "those of person, property, family, state, and contract" (xv.). But how do we discover that they are rights? and what is meant by calling them rights? Much to our surprise, Dr. Whewell refers us, on both these points, to the law. And he asks, "In what manner do we rise from

mere legal rights to moral rightness?" and replies, ' We do so in virtue of this principle : that the supreme rule of man's actions must be a rule which has authority over the whole of man ; over his intentions as well as his actions ; over his affections, his desires, his habits, his thoughts, his wishes.' We must not only not violate the rights of others, but we must not desire to violate them. " And thus we rise from legal obligation to moral duty ; from legality to virtue ; from blamelessness in the forum of man to innocence in the court of conscience."

And this, Dr. Whewell actually gives as his scheme of morality. His rule of right is, to infringe no rights conferred by the law, and to cherish no dispositions which could make us desire such infringements ! According to this, the early Christians, the religious reformers, the founders of all free governments, Clarkson, Wilberforce, and all enemies of the rights of slave-owners, must be classed among the wicked. If this is Dr. Whewell's morality, it is the very Hobbism which he reprobates, and this in its worst sense. But, though Dr. Whewell says that this is his morality, he presently unsays it.

" Our morality is not derived from the special commands of existing laws, but from the fact that laws exist, and from our classification of their subjects. Personal safety, property, contracts, family and civil relations, are everywhere the subjects of law, and are everywhere protected by law : therefore we judge that these things must be the subjects of morality, and must be reverently regarded by morality. But we are not thus bound to approve of all the special appointments with regard to those subjects which may exist at a given time in



the laws of a given country. On the contrary, we may condemn the laws as being contrary to morality. We cannot frame a morality without recognizing property, and property exists through law; but yet the law of property, in a particular country, may be at variance with that moral purpose for which, in our eyes, laws exist. Law is the foundation and necessary condition of justice: but yet laws may be unjust; and, when unjust, ought to be changed." — p. xvii.

The practical enormities consequent on Dr. Whewell's theory are thus got rid of; but, when these are gone, there is nothing of the theory left. He undertook to explain how we may know what is right. It appeared, at first, that he was about to give a criterion, when he said that it is not right to violate legal rights. According to this, when we want to know what is right, we have to consult the law, and see what rights it recognizes. But now it seems that these rights may be contrary to right; and all we can be sure of is, that it is right there should be rights of some sort. And we learn, that, after all, it is for a "moral purpose," that, in Dr. Whewell's opinion, "laws exist." So that, while the meaning of *ought* is that we ought to respect rights, it is a previous condition that these rights must be such as *ought* to be respected. Morality must conform to law; but law must first conform to morality. This is vicious circle the second. Dr. Whewell has broken out of the first; he has made, this time, a larger sweep; the curve he describes is wider, but it still returns into itself.

An adherent of "dependent morality" would say, that, instead of deriving right from rights, we must have a rule of right before it can be decided what ought

to be rights; and that, both in law and in morals, the rights which ought to exist are those which, for the general happiness, it is expedient should exist. And Dr. Whewell anticipates that some one may even do him what he thinks the injustice of supposing this to be his opinion. He introduces an objector as saying, "that, by making our morality begin from rights, we really do found it upon expediency, notwithstanding our condemnation of systems so founded; for, it may be said, rights such as property exist only because they are expedient." Dr. Whewell hastens to repel this imputation; and here is his theory: "We reply, as before, that rights are founded on the whole nature of man, in such a way that he cannot have a human existence without them. He is a moral being, and must have rights, *because morality cannot exist where rights are not.*" Was ever an unfortunate metaphysician driven into such a corner? We wanted to know what morality is, and Dr. Whewell said that it is conforming to rights. We ask how he knows that there are rights; and he answers, Because otherwise there could be no morality. This is vicious circle the third, and the most wonderful of the three. The Indians placed their elephant on the back of a tortoise; but they did not at the same time place the tortoise on the back of the elephant.

Dr. Whewell has failed in what it was impossible to succeed in. Every attempt to dress up an appeal to intuition in the forms of reasoning must break down in the same manner. The system must, from the conditions of the case, revolve in a circle. If morality is not to gravitate to any end, but to hang self-balanced in space, it is useless attempting to suspend one point of

it upon another point. The fact of moral rules supposes a certain assemblage of ideas. It is to no purpose detaching these ideas one from another, and saying that one of them must exist because another does. Press the moralist a step farther, and he can only say that the other must exist because of the first. The house must have a centre because it has wings, and wings because it has a centre. But the question was about the whole house, and how it comes to exist. It would be much simpler to say, plainly, that it exists because it exists. This is what Dr. Whewell is in the end obliged to come to; and he would have saved himself a great deal of bad logic if he had begun with it.\*

- So much as to the existence of moral rules: now as to what they are.

"We do not rest our rules of action upon the tendency of actions to produce the happiness of others, or of mankind in general; because we cannot solve a problem so difficult as to determine which of two courses of action will produce the greatest amount of human happiness: and we see a simpler and far more satisfactory mode of deducing such rules; namely, by considering that there must be such rules; that they must be rules for man, for man living among men, and for the whole of man's being. Since we are thus led directly

\* In Dr. Whewell's larger work, we find him resorting, after all, to an "external object" as the ultimate ground for acknowledging any moral rules whatever. He there says that "the reason for doing what is absolutely right is, that it is the will of God, through whom the condition and destination of mankind are what they are" (*Elements*, i. 225). In the *Lectures*, however, he admits that this renders nugatory the ascribing any moral attributes to God. "If we make holiness, justice, and purity the mere result of God's commands, we can no longer find any force in the declaration that God is holy, just, and pure; since the assertion then becomes merely an empty identical proposition" (p. 58). We hope that this indicates a change of opinion since the publication of the earlier work.

to moral rules by the consideration of the internal condition of man's being, we cannot think it wise to turn away from this method, and to try to determine such rules by reference to an obscure and unmanageable external condition the amount of happiness produced." — p. xx.

If these were not Dr. Whewell's own words, we should expect to be charged, as he charges Bentham, with caricature. This is given as a scientific statement of the proper mode of discovering what are the rules of morality! We are to "deduce such rules" from four considerations. First, "that there must be such rules;" a necessary preliminary, certainly. If we are to build a wall, it is because it has been previously decided that there must be a wall. But we must know what the wall is for, what end it is intended to serve, or we shall not know what sort of wall is required. What end are moral rules intended to serve? No end, according to Dr. Whewell. They do not exist for the sake of an end. To have them is part of man's nature, like (it is Dr. Whewell's own illustration) the circulation of the blood. It is now, then, to be inquired *what* rules are part of our nature. This is to be discovered from three things, — that they must be "rules for man, for man living among men, and for the whole of man's being." This is only saying over again, in a greater number of words, what we want, not how we are to find it. First, they must be "rules for man:" but we are warned not to suppose that this means for man's benefit; it only means that they are for man to obey. This leaves us exactly where we were before. Next, they are for "man living among men;" that is, for the

conduct of man to men : but *how* is man to conduct himself to men? Thirdly, they are "for the whole of man's being;" that is, according to Dr. Whewell's explanation, they are for the regulation of our desires as well as of our actions : but what we wanted to know was, *how* we are to regulate our desires and our actions. Of the four propositions given as premises from which all moral rules are to be deduced, not one points to any difference between one kind of moral rules and another. Whether the rule is to love or to hate our neighbor, it will equally answer all Dr. Whewell's conditions. These are the premises which are more "simple and satisfactory" than such "obscure and unmanageable" propositions, so utterly impossible to be assured of, as that some actions are favorable, and others injurious, to human happiness ! Try a parallel case. Let it be required to find the principles of the art of navigation. Bentham says we must look to an "external end;" getting from place to place on the water. No, says Dr. Whewell : there is a "simpler and more satisfactory" mode ; viz., to consider that there must be such an art ; that it must be for a ship, — for a ship at sea, and for all the parts of a ship. Would Dr. Whewell prevail on any one to suppose that these considerations made it unnecessary to consider, with Bentham, what a ship is intended to do?

This account is all we get from Dr. Whewell, in the Lectures, of the mode of discovering and recognizing the rules of morality. But perhaps he succeeds better in doing the thing than in explaining how it ought to be done. At all events, having written two volumes of "Elements of Morality," he must have

performed this feat either well or ill; he must have found a way of "deducing moral rules." We will now, therefore, dismiss Dr. Whewell's generalities, and try to estimate his method, not by what he says about it, but by what we see him doing when he carries it into practice.

We turn, then, to his "Elements of Morality," and to the third chapter of that work, which is entitled, "Moral Rules exist necessarily." And here we at once find something well calculated to surprise us. That moral rules must exist, was, it may be remembered, the first of Dr. Whewell's four fundamental axioms, and has been presented hitherto as a law of human nature, requiring no proof. It must puzzle some of his pupils to find him here proving it; and, still more, to find him proving it from utility.

"In enumerating and describing, as we have done, certain desires as among the most powerful springs of human action, we have stated that man's life is scarcely tolerable, if these desires are not in some degree gratified; that man cannot be at all satisfied without some security in such gratification; that without property, which gratifies one of these desires, man's free agency cannot exist; that without marriage, which gratifies another, there can be no peace, comfort, tranquillity, or order. And the same may be said of all those springs of actions which we enumerated as mental desires. Without some provision for the tranquil gratification of these desires, society is disturbed, unbalanced, painful. The gratification of such desires must be a part of the order of the society. There must be rules which direct the course and limits of such gratification. Such rules are necessary for the peace of society." — *Elements*, i. 32.

This is a very different mode of treating the subject from that which we observed in the Lectures. We are now among reasons: good or bad they may be, but still reasons. Moral rules are here spoken of as means to an end. We now hear of the peace and comfort of society; of making man's life tolerable; of the satisfaction and gratification of human beings; of preventing a disturbed and painful state of society. This is utility; this is pleasure and pain. When real reasons are wanted, the repudiated happiness principle is always the resource. It is true, this is soon followed by a recurrence to the old topics, — of the necessity of rules "for the action of man as man;" and the impossibility to "conceive man as man, without conceiving him as subject to rules." But any meaning it is possible to find in these phrases (which is not much) is all reflected from the utilitarian reasons given just before. Rules are necessary, because mankind would have no security for any of the things which they value, for any thing which gives them pleasure, or shields them from pain, unless they could rely on one another for doing, and, in particular, for abstaining from, certain acts. And it is true, that man could not be conceived "as man" — that is, with the average human intelligence — if he were unable to perceive so obvious an utility.

Almost all the *generalia* of moral philosophy prefixed to the "Elements" are in like manner derived from utility. For example: that the desires, until subjected to general rules, bring mankind into conflict and opposition; but that, when general rules are established, the feelings which gather round these "are sources, not of opposition, but of agreement;" that

they "tend to make men unanimous; and that such rules with regard to the affections and desires as tend to control the repulsive and confirm the attractive forces which operate in human society, such as tend to unite men, to establish concord, unanimity, sympathy, agree with that which is the character of moral rules" (i. 35). This is Benthamism; even approaching to Fourierism.

And again: in attempting a classification and definition of virtues, and a parallel one of duties corresponding to them. The definitions of both the one and the other are deduced from utility. After classing virtues under the several heads of Benevolence, Justice, Truth, Purity, and Order, Benevolence is defined as "desire of the good of all men," and, in a wider sense, as the "absence of all the affections which tend to separate men, and the aggregate of the affections which unite them" (i. 137-8); Justice, as "the desire that each person should have his own" (p. 138). Truth is defined "an agreement of the verbal expression with the thought," and is declared to be a duty, because "lying and deceit tend to separate and disunite men, and to make all actions implying mutual dependence—that is, all social action and social life—impossible" (pp. 138-9). Purity is defined "the control of the appetites by the moral sentiments and the reason;" Order, as a conformity of our internal dispositions to the laws and to moral rules; (why not rather to good laws and good moral rules?) All these definitions, though very open to criticism in detail, are in principle utilitarian.\* Though Dr. Whe

\* The enumeration of duties does not always follow accurately the definition of the corresponding virtues. For example, the definition of purity



well will not recognize the promotion of happiness as the ultimate principle, he deduces his secondary principles from it, and supports his propositions by utilitarian reasons, as far as they will go. He is chiefly distinguished from utilitarian moralists of the more superficial kind by this, that he ekes out his appeals to utility with appeals to "our idea of man as man;" and when reasons fail, or are not sufficiently convincing, then "all men think," or "we cannot help feeling," serves as a last resort, and closes the discussion.

Of this hybrid character is the ethics of Dr. Whewell's "Elements of Morality." And in this he resembles all other writers of the intuitive school of morals. They are none of them frankly and consistently intuitive. To use a happy expression of Bentham in a different case, they draw from a double fountain, — utility, and internal conviction; the tendencies of actions, and the feelings with which mankind regard them. This is not a matter of choice with these writers, but of necessity. It arises from the nature of the morality of internal conviction. Utility, as a standard, is capable of being carried out singly and consistently: a moralist can deduce from it his whole

is one which suits temperance, "the control of the appetites by the moral sentiments and the reason;" but the scheme of duties set forth under this head is rather as if the definition had been "the conformity of the appetites to the moral opinions and customs of the country." It is remarkable that a writer who uses the word "purity" so much out of its common meaning as to make it synonymous with "temperance" should charge Bentham (*Lectures*, p. 208), because he employs the word in another of its acknowledged senses, with arbitrarily altering its signification. Bentham understands, by the purity of a pleasure, its freedom from admixture of pain; as we speak of pure gold, pure water, pure truth, of things purely beneficial, or purely mischievous; meaning, in each case, freedom from alloy with any other ingredient.

system of ethics, without calling to his assistance any foreign principle. It is not so with one who relies on moral intuition ; for where will he find his moral intuitions? How many ethical propositions can be enumerated, of which the most reckless assertor will venture to affirm that they have the adhesion of all mankind? Dr. Whewell declares unhesitatingly, that the moral judgment of mankind, when it is unanimous, must be right. "What are universally held as virtues must be dispositions in conformity with this [the supreme] law : what are universally reckoned vices must be wrong." This is saying much, when we consider the worth, in other matters nearly allied to these, of what is complementarily called the general opinion of mankind ; when we remember what grovelling superstitions, what witchcraft, magic, astrology, what oracles, ghosts, what gods and demons scattered through all nature, were once universally believed in, and still are so by the majority of the human race. But where are these unanimously recognized vices and virtues to be found? Practices the most revolting to the moral feelings of some ages and nations do not incur the smallest censure from others ; and it is doubtful whether there is a single virtue which is held to be a virtue by all nations, in the same sense, and with the same reservations. There are, indeed, some moralities of an utility so unmistakable, so obviously indispensable to the common purposes of life, that, as general rules, mankind could no more differ about them than about the multiplication-table ; but, even here, there is the widest difference of sentiment about the exceptions. The universal voice of mankind, so often appealed to, is universal only in its discord

ance. What passes for it is merely the voice of the majority, or, failing that, of any large number having a strong feeling on the subject; especially if it be a feeling of which they cannot give any account, and which, as it is not consciously grounded on any reasons, is supposed to be better than reasons, and of higher authority. With Dr. Whewell, a strong feeling, shared by most of those whom he thinks worth counting, is always an *ultima ratio* from which there is no appeal. He forgets that as much might have been pleaded, and in many cases might still be pleaded, in defence of the absurdest superstitions.

It seems to be tacitly supposed, that, however liable mankind are to be wrong in their opinions, they are generally right in their feelings, and especially in their antipathies. On the contrary, there is nothing which it is more imperative that they should be required to justify by reasons. The antipathies of mankind are mostly derived from three sources. One of these is an impression, true or false, of utility. They dislike what is painful or dangerous, or what is apparently so. These antipathies, being grounded on the happiness principle, must be required to justify themselves by it. The second class of antipathies are against what they are taught, or imagine, to be displeasing to some visible or invisible power, capable of doing them harm, and whose wrath, once kindled, may be wreaked on those who tolerated, as well as on those who committed, the offence. The third kind of antipathies, often as strong as either of the others, are directed towards mere differences of opinion or of taste. Any of the three, when nourished by education, and deriving confidence

from mutual encouragement, assumes to common minds the character of a moral feeling. But to pretend that any such antipathy, were it ever so general, gives the smallest guaranty of its own justice and reasonableness, or has any claim to be binding on those who do not partake in the sentiment, is as irrational as to adduce the belief in ghosts or witches as a proof of their real existence. I am not bound to abstain from an action because another person dislikes it, however he may dignify his dislike with the name of "disapprobation."

We cannot take leave of Dr. Whewell's strictures on Bentham, without adverting to some observations made by him on Bentham's character as a jurist rather than as a moralist. In this capacity, Dr. Whewell does more justice to Bentham than in the department of moral philosophy. But he finds fault with him for two things: first, for not sufficiently recognizing what Dr. Whewell calls the historical element of legislation; and imagining, "that, to a certain extent, his schemes of law might be made independent of local conditions." Dr. Whewell admits it to be part of Bentham's doctrine, that different countries must, to a certain extent, have different laws; and is aware that he wrote an "Essay on the Influence of Time and Place in Matters of Legislation:" but thinks him wrong in maintaining that there should be a general plan, of which the details only should be modified by local circumstances; and contends that different countries require different ground-plans of legislation.

"There is, in every national code of law, a necessary and fundamental historical element; not a few supplementary

provisions which may be added or adapted to the local circumstances after the great body of the code has been constructed ; not a few touches of local coloring to be put in after the picture is almost painted ; but an element which belongs to law from its origin, and penetrates to its roots, — a part of the intimate structure, a cast in the original design. The national views of personal status ; property, and the modes of acquisition ; bargains, and the modes of concluding them ; family, and its consequences ; government, and its origin, — these affect even the most universal aspects and divisions of penal offences : these affect still more every step of the expository process which the civil law applies to rights in defining penal offences.” — *Lectures*, p. 254.

What Dr. Whewell designates by the obscure and misleading expression, “an historical element,” and accuses Bentham of paying too little regard to, is the existing opinions and feelings of the people. These may, without doubt, in some sense be called historical, as being partly the product of their previous history ; but whatever attention is due to those opinions and feelings in legislation, is due to them, not as matter of history, but as social forces in present being. Now, Bentham, in common with all other rational persons, admitted that a legislator is obliged to have regard to the opinions and feelings of the people to be legislated for ; but with this difference, that he did not look upon those opinions and feelings as affecting, in any great degree, what was desirable to be done, but only what could be done. Take one of Dr. Whewell’s instances, “the national views of personal status.” The “national views” may regard slavery as a legitimate condition of human beings ; and Mr. Livingstone, in legislating for

Louisiana, may have been obliged to recognize slavery as a fact, and to make provision for it, and for its consequences, in his code of laws : but he was bound to regard the equality of human beings as the foundation of his legislation, and the concession to the " historical element " as a matter of temporary expediency ; and, while yielding to the necessity, to endeavor, by all the means in his power, to educate the nation into better things. And so of the other subjects mentioned by Dr. Whewell, — property, contracts, family, and government. The fact, that, in any of these matters, a people prefer some particular mode of legislation, on historical grounds, — that is, because they have been long used to it, — is no proof of any original adaptation in it to their nature or circumstances, and goes a very little way in recommendation of it as for their benefit now. But it may be a very important element in determining what the legislator can do, and, still more, the manner in which he should do it ; and, in both these respects, Bentham allowed it full weight. What he is at issue with Dr. Whewell upon is in deeming it right for the legislator to keep before his mind an ideal of what he would do if the people for whom he made laws were entirely devoid of prejudice or accidental prepossession ; while Dr. Whewell, by placing their prejudices and accidental prepossessions " at the basis of the system," enjoins legislation, not in simple recognition of existing popular feelings, but in obedience to them.

The other objection made by Dr. Whewell to Bentham as a writer on legislation (for we omit the criticism on his classification of offences, as too much a

matter of detail for the present discussion) is, that he does not fully recognize "the moral object of law" (p. 257). Dr. Whewell says, in phraseology which we considerably abridge, that law ought not only to preserve and gratify man, but to improve and teach him; not only to take care of him as an animal, but to raise him to a moral life. Punishment therefore, he says, "is to be, not merely a means of preventing suffering, but is also to be a moral lesson." But Bentham, as Dr. Whewell is presently forced to admit, says the same; and, in fact, carries this doctrine so far as to maintain that legal punishment ought sometimes to be attached to acts for the mere purpose of stigmatizing them, and turning the popular sentiment against them. No one, more than Bentham, recognizes that most important but most neglected function of the legislator, — the office of an instructor, both moral and intellectual. But he receives no credit for this from Dr. Whewell, except that of being false to his principles; for Dr. Whewell seems to reckon it an impertinence in anybody to recognize morality as a good, who thinks, as Bentham does, that it is a means to an end. If any one, who believes that the moral sentiments should be guided by the happiness of mankind, proposes that moral sentiments, so guided, should be cultivated and fostered, Dr. Whewell treats this as a deserting of utilitarian principles, and borrowing or stealing from his.

As an example of "Bentham's attempt to exclude morality, as such, in his legislation," Dr. Whewell refers to "what he says respecting the laws of marriage, and especially in favor of a liberty of divorce by common consent." As this is the only opportunity Dr.

Whewell gives his readers of comparing his mode of discussing a specific moral question with Bentham's, we shall devote a few words to it.

Having quoted from Bentham the observation, that a government which interdicts divorce "takes upon itself to decide that it understands the interests of individuals better than they do themselves," Dr. Whewell answers, that this is an objection to all laws; that, in many other cases, "government, both in its legislation and administration, does assume that it understands the interests of individuals, *and the public interest as affected by them*, better than they do themselves." The words which we have put in Italics adroitly change the question. Government is entitled to assume that it will take better care than individuals of the public interest, but not better care of their own interest. It is one thing for the legislator to dictate to individuals what they shall do for their own advantage, and another thing to protect the interest of other persons who may be injuriously affected by their acts. Dr. Whewell's own instances suffice: "What is the meaning of restraints imposed for the sake of public health, cleanliness, and comfort? Why are not individuals left to do what they like with reference to such matters? Plainly because carelessness, ignorance, indolence, would prevent their doing what is most for their own interest" (p. 258). Say, rather, would lead them to do what is contrary to the interest of other people. The proper object of sanitary laws is not to compel people to take care of their own health, but to prevent them from endangering that of others. To prescribe, by law, what they should do for their own health alone, would by



most people be justly regarded as something very like tyranny.

Dr. Whewell continues : —

“ But is Mr. Bentham ready to apply consistently the principle which he thus implies, that, in such matters, individuals are the best judges of their own interests? Will he allow divorce to take place whenever the two parties agree in desiring it? . . . Such a facility of divorce as this leaves hardly any difference possible between marriage and concubinage. If a pair may separate when they please, why does the legislator take the trouble to recognize their living together? ”

Apply this to other cases. If a man can pay his tailor when he and his tailor choose, why does the law take the trouble to recognize them as debtor and creditor? Why recognize as partners in business, as landlords and tenants, as servants and employers, people who are not tied to each other for life?

Dr. Whewell finds what he thinks an inconsistency in Bentham's view of the subject. He thus describes Bentham's opinions : —

“ Marriage for life is, he [Bentham] says, the most natural marriage: if there were no laws except the ordinary law of contracts, this would be the most ordinary arrangement. So far, good. But Mr. Bentham, having carried his argument so far, does not go on with it. What conclusion are we to suppose him to intend? This arrangement would be very *general* without law: therefore the legislator should pass a law to make it *universal*? . . . No. The very next sentence is employed in showing the absurdity of making the engagement one from which the parties cannot liberate themselves by mutual consent; and there is no attempt to reduce these arguments, or their results, to a consistency.” — p. 259.

Dr. Whewell's ideas of inconsistency seem to be peculiar. Bentham, he says, is of opinion, that, in the majority of cases, it is best for the happiness of married persons that they should remain together. Is it so? (says Dr. Whewell :) then why not force them to remain together, even when it would be best for their happiness to separate?

Try, again, parallel cases. In choosing a profession, a sensible person will fix on one in which he will find it agreeable to remain : therefore it should not be lawful to change a profession once chosen. A landlord, when he has a good tenant, best consults his own interest by not changing him : therefore all tenancy should be for life. Electors who have found a good representative will probably do wisely in re-electing him : therefore members of Parliament should be irremovable.

Dr. Whewell intended to show into what errors Bentham was led by treating the question of marriage apart from "moral grounds." Yet part of his complaint is that Bentham does consider moral grounds, which, according to Dr. Whewell, he has no right to do. If one married person maltreats the other to procure consent to a divorce, —

"Bentham's decision is, that liberty should be allowed to the party maltreated, and not to the other. . . . Now, to this decision, I have nothing to object ; but I must remark, that the view which makes it tolerable is its being a decision on moral grounds, such as Mr. Bentham would not willingly acknowledge. The man may not take advantage of his own wrong : *that* is a maxim which quite satisfies *us*. But Mr. Bentham, who only regards wrong as harm, would, I think, find it difficult to satisfy the man that he was fairly used."

Mr. Bentham would have found it difficult to conceive that any one attempting to criticise his philosophy could know so little of its elements. Dr. Whewell wonders what the reason can be, on Bentham's principles, for not allowing a man to benefit by his own wrong. Did it never occur to him, that it is to take away from the man his inducement to commit the wrong?

Finally, Dr. Whewell says, "No good rule can be established on this subject, without regarding the marriage union in a moral point of view; without assuming it as one great object of the law to elevate and purify men's idea of marriage, — to lead them to look upon it as an entire union of interests and feelings, enjoyments and hopes, between the two parties." We cannot agree in the doctrine, that it should be an object of the law to "lead men to look upon" marriage as being what it is not. Neither Bentham, nor any one who thinks with him, would deny that this entire union is the completest ideal of marriage; but it is bad philosophy to speak of a relation as if it always *was* the best thing that it possibly can be, and then infer, that when it is notoriously not such, as in an immense majority of cases, and even when it is the extreme contrary, as in a considerable minority, it should nevertheless be treated exactly as if the fact corresponded with the theory. The liberty of divorce is contended for, because marriages are not what Dr. Whewell says they should be looked upon as being; because a choice made by an inexperienced person, and not allowed to be corrected, cannot, except by a happy accident, realize the conditions essential to this complete union.

We give these observations, not as a discussion of the question, but of Dr. Whewell's treatment of it; as part of the comparison which he invites his readers to institute between his method and that of Bentham. Were it our object to confirm the general character we have given of Dr. Whewell's philosophy by a survey in detail of the morality laid down by him, the two volumes of "Elements" afford abundant materials. We could show that Dr. Whewell not only makes no improvement on the old moral doctrines, but attempts to set up afresh several of them which have been loosened or thrown down by the stream of human progress.

Thus we find him everywhere inculcating, as one of the most sacred duties, reverence for superiors, even when personally undeserving (i. 176-7); and obedience to existing laws, even when bad. "The laws of the State are to be observed, even when they enact slavery" (i. 351). "The morality of the individual," he says (i. 58), "depends on his not violating the law of his nation." It is not even the spirit of the law, but the letter (i. 213), to which obedience is due. The law, indeed, is accepted by Dr. Whewell as the fountain of rights, — of those rights which it is the primary moral duty not to infringe; and mere custom is of almost equal authority with express enactment. Even in a matter so personal as marriage, the usage and practice of the country is to be a paramount law. "In some countries, the marriage of the child is a matter usually managed by the parents: in such cases, it is the child's duty to bring the affections, as far as possible, into harmony with the custom" (i. 211). "Rev-

erence and affection" towards "the constitution of each country" he holds (ii. 204) as "one of the duties of a citizen."

Again: Dr. Whewell affirms, with a directness not usually ventured on in these days by persons of his standing and importance, that to disbelieve either a providential government of the world, or revelation, is morally criminal; for that "men are blamable in disbelieving truths after they have been promulgated, though they are ignorant without blame before the promulgation" (ii. 91-94). This is the very essence of religious intolerance, aggravated by the fact, that among the persons thus morally stigmatized are notoriously included many of the best men who ever lived. He goes still further, and lays down the principle of intolerance in its broad generality; saying, that "the man who holds false opinions" is morally condemnable "when he has had the means of knowing the truth" (ii. 102); that it is "his duty to think rationally" (*i.e.*, to think the same as Dr. Whewell); that it is to no purpose his saying that he has done all he could to arrive at truth, since a man has never done *all he can* to arrive at truth" (ii. 106). If a man has never done all he can, neither has his judge done all he can; and the heretic may have more grounds for believing his opinion true than the judge has for affirming it to be false. But the judge is on the side of received opinions, which, according to Dr. Whewell's standard, makes all right.

It is not, however, our object to criticise Dr. Whewell as a teacher of the details of morality. Our design goes no farther than to illustrate his controversy

with Bentham respecting its first principle. It may, perhaps, be thought that Dr. Whewell's arguments against the philosophy of utility are too feeble to require so long a refutation. But feeble arguments easily pass for convincing, when they are on the same side as the prevailing sentiment : and readers in general are so little acquainted with that or any other system of moral philosophy, that they take the word of anybody, especially an author in repute, who professes to inform them what it is ; and suppose that a doctrine must be indeed absurd, to which mere truisms are offered as a sufficient reply. It was, therefore, not unimportant to show, by a minute examination, that Dr. Whewell has misunderstood and misrepresented the philosophy of utility ; and that his attempts to refute it, and to construct a moral philosophy without it, have been equally failures.

## GROTE'S HISTORY OF GREECE,\*

Vols. IX. X. XI.

IN his eighth volume, Mr. Grote brought the narrative of Grecian history to its great turning-point, — the subjugation of Athens by the Spartans and their confederates ; including, as the immediate sequel of that event, the sanguinary tyranny of the Thirty ; the rapid re-action in Grecian feeling ; the return of the exiles under Thrasybulus, subsequently known at Athens by the designation of "those from Phyle," or "those from Piræus ;" the restoration of Athens, under the tolerance of Sparta, to internal freedom, though denuded of empire ; and the inauguration of a new era of concord by the healing measures which made the archonship of Euclides memorable to succeeding generations. The recital of these stirring events was immediately followed by those admirable chapters on the Sophists, and on Socrates, which may be pronounced the most important portion yet written of this History, whether we consider the intrinsic interest of their subjects, the deep-rooted historical errors which they tend to dispel, or the great permanent instruction contained in their display of the characteristics of one of the most eminent

\* Edinburgh Review, October, 1853. *Vide* (vol. ii. p. 363) the review of the first and second volumes. The articles in the Edinburgh Review on the intermediate volumes of Mr. Grote's History were not written by the author. Some passages from shorter notices of those volumes, published as they successively appeared, have been incorporated with the following article.

men who ever lived, — a man unique in history, of a kind at all times needful, and seldom more needed than now.\*

The three volumes which we have here to notice contain no delineations belonging to the same elevated rank with that which closed so impressively the volume immediately preceding. The exposition and estimate of

\* We have not space to give the smallest specimen of the delineation of this remarkable character, now brought into clearer light than ever before; a philosopher, inculcating, under a supposed religious impulse, pure reason, and a rigid discipline of the logical faculty. But we invite attention to the estimate, contained in this chapter, of the peculiarities of the Socratic teaching, and of the urgent need, at the present and at all times, of such a teacher. Socrates, in morals, is conceived by Mr. Grote as the parallel of Bacon in physics. He exposed the loose, vague, confused, and misleading character of the common notions of mankind on the most familiar subjects. By apt interrogations, forcing the interlocutors to become conscious of the want of precision in their own ideas, he showed that the words in popular use on all moral subjects (words which, because they are familiar, all persons fancy they understand) in reality answer to no distinct and well-defined ideas; and that the common notions, which those words serve to express, all require to be reconsidered. This is exactly what Bacon showed to be the case with respect to the phrases and notions commonly current on physical subjects. It is the fashion of the present day to decry negative dialectics; as if making men conscious of their ignorance were not the first step — and an absolutely necessary one — towards inducing them to acquire knowledge. “*Opinio copiæ*,” says Bacon, “*maxima causa inopiæ est*” The war which Bacon made upon confused general ideas, *notiones temere a rebus abstractas*, was essentially negative; but it constituted the epoch from which alone advancement in positive knowledge became possible. It is to Bacon that we owe Newton and the modern physical science. In like manner, Socrates, by convincing men of their ignorance, and pointing out the conditions of knowledge, originated the positive movement which produced Plato and Aristotle. With them and their immediate disciples that movement ceased, and has never yet been so effectually revived as to be permanent. The common notions of the present time on moral and mental subjects are as incapable of supporting the Socratic cross-examination as those of his own age: they are, just as much, the wild fruits of the undisciplined understanding, — of the *intellectus sibi permissus*, as Bacon phrases it; rough generalizations of first impressions, or consecrations of accidental feelings, without due analysis or mental circumscription.



Plato, which alone would have afforded similar opportunities, though falling within the chronological period comprised in the eleventh volume, is not included in it, but reserved for one yet to come; except in so far as the philosopher is personally involved in the series of Sicilian transactions, through his connection with Dion, whose remarkable and eminently tragic character and career form the centre of interest in the most striking chapter of these volumes. There is little scope, in this portion of the work, for bringing prominently forward any great ethical or philosophical ideas; and the illustrations it contains of Grecian character and institutions relate principally to points which the author had largely illustrated before. In no other part of the book is the continuity of the narrative so little broken by dissertation or discussion; but in the rapid succession of animating incidents, and the living display of interesting individual characters, these volumes are not inferior to any of the preceding.

They commence with the expedition of Cyrus, and the retreat of Xenophon and the Ten Thousand; an episode fertile in exemplifications of Grecian and of Asiatic characteristics, and especially valuable as being the only detailed account of the personal adventures of any body of Greeks, or even of any individual Greek, which has been directly transmitted to us by an eye-witness and actor. Next follows the history of the short-lived Lacedæmonian ascendancy; its deplorable abuse, and the conspicuous Nemesis which fell on that selfish and domineering community, by the irreparable prostration of her power through the arms of Thebes, so many years the firm ally of Sparta, and for her

treacherous conduct to whom, even more than for any other of her misdeeds, she, in the general opinion of Greece, deserved her fate. The chapters which describe this contest relate also the resurrection of Athens, and her re-attainment, in diminished measure and for a brief period, of something like imperial dignity. At this halting-place Mr. Grote suspends the main course of his narrative, and takes up the thread of the history of the Sicilian Greeks; the most interesting part of whose story is included in the present volumes. He illustrates, by the conduct and fortunes of the elder Dionysius, the successive stages of the "despot's progress." Here, too, the avenging Nemesis attends; but, as usual with the misdeeds of rulers, the punishment is vicarious. The younger Dionysius, a weak and self-indulgent but good-natured and rather well-meaning inheritor of despotic power, suffered the penalty of the usurpation and the multiplied tyrannies of his energetic and unscrupulous father. The decline and fall of the Dionysian dynasty, and the restoration of Sicilian freedom, are related by Mr. Grote in his best style of ethical narrative, and with a biographical interest equal to the historical. For as the chapters on the fall of Sparta are animated and exalted by the great qualities of Epaminondas, — the first of Greeks in military genius, surpassed only by Pericles in comprehensive statesmanship, yet even more honorably distinguished among Grecian politicians by the unostentatious disinterestedness of his public virtue, and the gentleness and generosity of his sentiments towards opponents, — so the Sicilian chapters are lighted up, first by the high-minded but checkered, and, even in his errors, emi-

nently interesting, character of Dion, and afterwards by the steadier and more unmixed brilliancy of the real liberator of Sicily, the wise, just, and heroic Timoleon.

Last comes that gloomy period of Grecian history, — the age of Philip of Macedon ; during which, enfeebled by the long and destructive wars which had successively prostrated every one of her leading States, Greece fell a prey to an able and enterprising neighbor, who, at the head of a numerous population of hardy warriors implicitly obedient to his will, was enabled to turn her own military arts and discipline against herself. At the time when Philip commenced his career of aggrandizement, the only Grecian State in a condition to meet him with any thing like equality of strength was Athens ; still free and prosperous, but so lowered in public spirit and moral energy, that she threw away all her opportunities, and only rallied with a vigor worthy of her ancestors, when it was too late to do more than perish honorably. These sad events, so far as their course can be traced through the extreme imperfection of our information, are related by Mr. Grote down to the fatal day of Chæroneia. And neither is this melancholy recital destitute of the relief afforded by the appearance, on the scene, of an illustrious character. Even in that age, Athens possessed a man of whom posterity has ratified the proud boast, drawn from him in self-vindication, that if there had been one such man in every State of Greece, or even in Thessaly and Arcadia alone, the attempts of Philip to reduce the Greeks to subjugation would have been frustrated. What one man of boundless energy, far-reaching political vision, and an eloquence unmatched even at Athens, could do

to save Greece from an inevitable doom, Demosthenes did. His life was an incessant struggle against the fatality of the time and the weaknesses of his countrymen; and though he failed in his object, and perished with the last breath of the freedom for which he had lived, he has been rewarded by that immortal fame, which, as he reminded the Athenians in the most celebrated passage of his greatest oration, is not deserved only by the successful, and which he merited not more by his unequalled oratorical eminence, than by the fact, that not one mean or selfish or narrow or ungenerous sentiment is appealed to throughout those splendid addresses, in which he strove to rouse and nerve his countrymen to the contest, or proudly mourned over its unsuccessful issue.

The Chæroneian catastrophe closes the epoch of Grecian history. Though much that is highly interesting remains, its interest is derived from other sources, — the diffusion of Greek civilization through the Eastern nations by the expedition of Alexander and its consequences, and a few noble but vain efforts, against insuperable obstacles, in Greece itself, to regain a freedom and national independence irrecoverably lost. Of the period of Grecian greatness, we have now from Mr. Grote the completed history. We have the budding, the blossoming, and the decay and death. The fruits which survived, — the permanent gifts bequeathed by Greece to the world, and constituting the foundation of all subsequent intellectual achievements, — these he has not yet, or has only partially, characterized. But he has produced a finished picture of the political and collective life of Greece, and the distinctive characters of the form

of social existence, during and by means of which she accomplished things so far transcending what has ever elsewhere been achieved in so marvellously short a space of time. From the legislation of Solon to the field of Marathon, a hundred years of preparation; from Marathon to Chæroneia, barely a hundred and fifty years of maturity, — that century and a half is all that separates the earliest recorded prose-writing from Demosthenes and Aristotle; all that lies between the first indication to the outer world of what Greece was destined to be, and her absorption by a foreign conqueror. A momentous interval, which decided for an indefinite period the question, whether the human race was to be stationary or progressive. That the former condition is far more congenial to ordinary human nature than the latter, experience unfortunately places beyond doubt; and history points out no other people in the ancient world who had any spring of unborrowed progress within themselves. We have no knowledge of any other source from which freedom and intellectual cultivation could have come, any other means by which the light never since extinguished might have been kindled, if the world had been left, without any elements of Grecian origin, to be fought for between the unlettered Romans and the priest-led and despot-governed Asiatics. The people and the period on which this depended must be important to posterity as long as any portion of the past continues to be remembered; and, by the aid of Mr. Grote, we are now enabled to see them with a clearness and accuracy, and judge them with a largeness of comprehension, never before approached.

To disparage what mankind owe to Greece, because she has not left for their imitation a perfect type of human character, nor a highly improved pattern of social institutions, would be to demand from the early youth of the human race what is far from being yet realized in its more advanced age. It would better become us to consider whether we have, in these particulars, advanced as much beyond the best Grecian model as might with reason have been expected after more than twenty centuries; whether, having done no more than we have done with all that we have inherited from the Greeks, and all that has been since superadded to their teachings, we ought not to look up with reverent admiration to a people, who, without any of our adventitious helps, and without the stimulus of preceding example, moved forward by their native strength at so gigantic a pace, though in an earlier portion of the path. It is true, that in institutions, in manners, and even in the ideal standard of human character as existing in the best minds, there is an improvement. All the great thinkers and heroic lives, from Christ downward, would have done little for humanity, if, after two thousand years, no single point could be added to the type of excellence conceived by Socrates or Plato. But it is not the moral conceptions of heroes or philosophers which measure the difference between one age and another, so much as the accepted popular standard of virtuous conduct. Taking that as the criterion, and comparing the best Grecian with the best modern community, is the superiority wholly on the side of the moderns? Has there not been deterioration as well as improvement, and the former perhaps almost as marked

as the latter? There is more humanity, more mildness of manners, though this only from a comparatively recent date: the sense of moral obligation is more cosmopolitan, and depends less for its acknowledgment on the existence of some special tie. But we greatly doubt if most of the positive virtues were not better conceived and more highly prized by the public opinion of Greece than by that of Great Britain, while negative and passive qualities have now engrossed the chief part of the honor paid to virtue; and it may be questioned if even private duties are, on the whole, better understood; while duties to the public, unless in cases of special trust, have almost dropped out of the catalogue: that idea, so powerful in the free States of Greece, has faded into a mere rhetorical ornament.

In political and social organization, the moderns, or some of them at least, have a more unqualified superiority over the Greeks. They have succeeded in making free institutions possible in large territories, and they have learnt to live and be prosperous without slaves. The importance of these discoveries — for discoveries they were — hardly admits of being overrated. For want of the first, Greece lost her freedom, her virtue, and her very existence as a people; and slavery was the greatest blot in her institutions while she existed. It is sufficient merely to mention another great blot, — the domestic and social condition of women (on which point, however, Sparta, in a degree surprising for the age, formed an honorable exception); since, in this respect, the superiority of modern nations is not so much greater as might be supposed. Even on the subject of slavery, there are many and not inconsiderable

palliatioas. Slavery, in the ancient as in the Oriental world, was a very different thing from American or West-Indian slavery. The slaves were not a separate race, marked out to the contempt of their masters by indelible physical differences. When manumitted, they mixed on equal terms with the general community; and though, in Greece, seldom admitted, any more than other aliens, to the complete political franchise of their patron's city, they could generally become full citizens of some new colony, or be placed on the roll of some old commonwealth recruiting its numbers after a disaster. The facility with which, in these small territories, slaves could escape across the frontier, must, at the worst, have been a considerable check to ill usage. The literature of the Athenians proves that they not only cultivated, but counted on finding, moral virtues in their slaves, which is not consistent with the worst form of slavery. Neither, in Greece, did slavery produce that one of its effects by which, above all, it is an obstacle to improvement, — that of making bodily labor dishonorable. Nowhere in Greece, except at Sparta, was industry, however mechanical, regarded as unworthy of a freeman, or even of a citizen; least of all at Athens, in whose proudest times a majority of the Demos consisted of free artisans. Doubtless however, in Greece as elsewhere, slavery was an odious institution; and its inherent evils are in no way lessened by the admission, that as a temporary fact, in an early and rude state of the arts of life, it may have been, nevertheless, a great accelerator of progress. If we read history with intelligence, we are led to think concerning slavery, as concerning many other bad institutions,



that the error was not so great of first introducing it as of continuing it too long.

Though Grecian history is crowded with objects of interest, all others are eclipsed by Athens. Whatever in Greece most merits the gratitude of posterity, Athens possessed in fullest measure. If the Hellenic nation is in history the main source and most conspicuous representative of progress, Athens may claim the same honorable position in regard to Greece itself; for all the Greek elements of progress, in their highest culmination, were united in that illustrious city. This was not the effect of an original superiority of natural endowments in the Athenian mind. In the first exuberant outpourings of Grecian genius, Athens bore no more than her share, if even so much. The many famous poets and musicians who preceded the era of Marathon, the early speculators in science and philosophy, and even the first historians, were scattered through all the divisions of the Greek name; with a preponderance on the side of the Ionians of Asia Minor, the Sicilian and Italian Greeks, and the islanders, all of whom attained prosperity much earlier, as well as lost it sooner, than the inhabitants of Continental Greece. Even Bœotia produced two poets of the first rank, Pindar and Corinna, at a time when Attica had only yet produced one.\* By degrees, however, the whole

\* By some oversight, Mr. Grote has passed over one whole generation of Grecian poets. He has given as full an account as the materials permit of the earlier poets, down to the age of Alcæus and Sappho, and has spoken at some length of the dramatists, but has said nothing (except incidentally) of Pindar, Simonides, Anacreon, Bacchylides, or the two Bœotian poetesses, Myrtis and Corinna; the last of whom was five times crowned at Thebes in competition with Pindar.

intellect of Greece, except the purely practical, gravitated to Athens; until, in the maturity of Grecian culture, all the great writers, speakers, and thinkers were educated, and nearly all of them were born and passed their lives, in that centre of enlightenment. Of the other Greek States, such as were oligarchically governed contributed little or nothing, except in a military point of view, to make Greece illustrious. Even those among them, which, like Sparta, were to a certain degree successful in providing for stability, did nothing for progress, further than supplying materials of study and experience to the great Athenian thinkers and their disciples. Of the other democracies, not one enjoyed the *Eunomia*, the unimpeded authority of law, and freedom from factious violence, which were quite as characteristic of Athens as either her liberty or her genius; and which, making life and property more secure than in any other part of the Grecian world, afforded the mental tranquillity which is also one of the conditions of high intellectual or imaginative achievement.

While Grecian history, considered philosophically, is thus almost concentrated in Athens, so also, considered æsthetically, it is an epic, of which Athens, as a collective personality, may be called the hero. The fate of Athens speaks to the imagination and sympathies like that of the Achilles or Odysseus of an heroic poem; absorbing into itself even the interest excited by the long series of eminent Athenians, who seem rather like successive phases under which Athens appears to us, than individuals independent and apart from it. Nowhere does history present to us a collective body so

abounding in human nature as the Athenian Demos. In them all the capacities, all the impulses and susceptibilities, the strength and the infirmities, of human character, stand out in large and bold proportions. There is nothing that they do not seem capable of understanding, of feeling, and of executing; nothing generous or heroic to which they might not be roused; and scarcely any act of folly, injustice, or ferocity, into which they could not be hurried, when no honest and able adviser was at hand to recall them to their better nature. Ever variable, according to the character of the leading minister of the time; alike prudent and enterprising under the guidance of a Pericles; carelessly inert or rashly ambitious when their most influential politicians were a Nicias and an Alcibiades; yet never abdicating their own guidance, always judging for themselves, and, though often wrong, seldom choosing the worse side when there was any one present capable of advocating the better. Light-hearted too, full of animal spirits and joyousness; revelling in the fun of hearing rival orators inveigh against each other; bursting with laughter at the mingled floods of coarse buffoonery and fine wit poured forth by the licensed libellers of their comic stage against their orators and statesmen, their poets, their gods, and even themselves, — “that angry, waspish, intractable little old man, Demos of Pnyx,”\* the well-known laughing-stock of one of the most successful comedies of Aristophanes. They are accused of fickleness; but Mr. Grote has

\* Mr. Grote's paraphrase of —

*\* Ἀγροῖκος ὀργῆν, κυανοστρώξ, ἀκράχολος,*

*Δῆμος Πνυκίτης, δύσκολον γερόντιον. — Arist , Eq. 41.*

shown on how false an estimate of historical facts that imputation rests,\* and that they were much rather remarkable for the constancy of their attachments. They were not fickle, but (a very different quality, vulgarly confounded with it) mobile; keenly susceptible individually, and of necessity still more collectively, to the feeling and impression of the moment. The Demos may be alternately likened to the commonly received idea of a man, a woman, or a child, but never a clown or a boor. Right or wrong, wise or foolish, Athenians are never *ἀπαίδευτοι*; theirs are never the errors of untaught or unexercised minds. They are always the same Athenians who have thrilled with the grandeur and pathos of Æschylus and Sophocles; who were able to ransom themselves from captivity by reciting the verses of Euripides; who have had Pericles or Demosthenes for their daily instructor and adviser; and have heard every species of judicial case, public and private, civil and criminal, propounded for their decision, in the most finished compositions ever spoken to a public assembly. They are the same Athenians, too, who live and move among the visible memorials of ancestors, the greatest of whose glories was that they had dared and suffered all things rather than desert the liberty of Greece. Their just pride in such progenitors, and their sense of what was due to the dignity and fame of their city, were ever ready to be evoked for any noble cause. Even at the last, when their energies, too late aroused, had been insufficient to save them, and they lay crushed at the feet of a conqueror, they earned the admiration

\* See this point admirably handled in the remarks, in the last chapter but one of the fourth volume, on the condemnation of Miltiades.

of posterity by bestowing, instead of displeasure, additional distinctions on the author and adviser of the struggle which had preserved their honor, though not their safety or their freedom.

In every respect, Athens deserved the high commendation given her by Pericles, in his Funeral Oration, of being the educator of Greece.\* And we cannot better set forth the characteristics of this great commonwealth at its greatest period than by following Mr. Grote in quoting some passages from that celebrated discourse.†

“We live under a constitution such as noway to envy the laws of our neighbors; ourselves an example to others, rather than imitators. It is called a democracy, since its aim tends towards the Many, and not towards the Few. In regard to private matters and disputes, the laws deal equally with every one; while, in respect to public dignity and importance, the position of each is determined, not by class influence, but by worth, according as his reputation stands in his particular department: nor does poverty or obscure station keep him back, if he has any capacity of benefiting the State. And our social march is free, not merely in regard to public affairs, but also in regard to tolerance of each other's diversity of tastes and pursuits. For we are not angry with our neighbor for what he does to please himself; nor do we put on those sour looks, which are offensive, though they do no positive damage. Thus conducting our private social intercourse with reciprocal indulgence, we are restrained from misconduct in public matters by fear and reverence of our magistrates for the time being, and of our laws, especially such laws as are

\* Τὴν πᾶσαν πόλιν τῆς Ἑλλάδος παίδευσιν εἶναι. — *Thuc.*, ii. 41.

† Vol. vi. pp. 193–196. We have ventured to change a few expressions in Mr. Grote's translation, in order, though at the expense of smoothness, to bring it closer to the literal meaning of the original.

instituted for the protection of the wronged, and such as, though unwritten, are enforced by a common sense of shame. Besides this, we have provided for our minds numerous recreations from toil, partly by our customary solemnities of sacrifice and festival throughout the year, partly by the elegance of our private arrangements, the daily charm of which banishes pain and annoyance. From the magnitude of our city, the products of the whole earth are brought to us, so that our enjoyment of foreign luxuries is as much our own, and assured, as of those which we produce at home. In respect to training for war, we differ from our opponents (the Lacedæmonians) on several material points. First, we lay open our city as a common resort: we apply no *xenêlasy* to exclude any one from any lesson or spectacle, for fear lest an enemy should see and profit by it; for we trust less to manœuvres and artifices, than to native boldness of spirit, for warlike efficiency. Next, in regard to education: while the Lacedæmonians, even from their earliest youth, subject themselves to an irksome exercise for the attainment of courage, we, with our easy habits of life, are not less prepared than they to encounter all perils within the measure of our strength. . . .

“We combine taste for the beautiful with frugality of life, and cultivate intellectual speculation without being enervated: we employ wealth for the service of our occasions, not for the ostentation of talk; nor is it disgraceful to any one who is poor to confess himself so, though he may be blamed for not actively bestirring himself to get rid of his poverty. Our politicians are not exempted from attending to their private affairs, and our private citizens have a competent knowledge of public matters; for we stand alone in regarding the man who keeps aloof from politics, not as a blameless person, but as a useless one. Far from accounting discussion an impediment to action, we think it an evil not to have been instructed by deliberation before the time for execution arrives. For, in truth, we combine, in a remarkable manner, boldness in ac-

tion, with full debate beforehand on that which we are going about; whereas, with others, ignorance alone imparts daring, debate induces hesitation. Assuredly those ought to be regarded as the stoutest of heart, who, knowing most accurately both the terrors of war and the sweets of peace, are still not the less willing to encounter peril."

This picture, drawn by Pericles and transmitted by Thucydides, of ease of living, and freedom from social intolerance, combined with the pleasures of cultivated taste, and a lively interest and energetic participation in public affairs, is one of the most interesting passages in Greek history; placed, as it is, in the speech in which the first of Athenian statesmen professed to show "by what practices and by what institutions and manners the city had become great." \* This remarkable testimony, as Mr. Grote has not failed to point out, wholly conflicts, so far as Athens is concerned, with what we are so often told about the entire sacrifice, in the ancient republics, of the liberty of the individual to an imaginary good of the State. In the greatest Greek commonwealth, as described by its most distinguished citizen, the public interest was held of paramount obligation in all things which concerned it: but, with that part of the conduct of individuals which concerned only themselves, public opinion did not interfere; while, in the ethical practice of the moderns, this is exactly re-

\* It is worthy of notice, that in the speech of Nicias to his troops, preceding their final death-struggle in the harbor of Syracuse, he, too (if correctly reported by Thucydides), reminds them of the same feature in their national institutions and habits, the unrivalled freedom of the individual in respect to his mode of life:—

πατρίδος τε τῆς ἐλευθερωτικῆς ὑπομνήσκων, καὶ τῆς ἐν αὐτῇ ἀνεπιτάκτου  
πᾶσιν ἐς τὴν διαίταν ἐξουσίας.—*Thuc.*, vii. 69.

versed, and no one is required by opinion to pay any regard to the public, except by conducting his own private concerns in conformity to its expectations. On this vital question of social morals, Mr. Grote's remarks, though belonging to an earlier volume than those which we are reviewing, are too valuable, as well as too much to the purpose, to require any apology for quoting them (vol. vi. pp. 200-2) :—

“The stress which he (Pericles) lays upon the liberty of thought and action at Athens, not merely from excessive restraint of law, but also from practical intolerance between man and man, and tyranny of the majority over individual dissenters in taste and pursuits, deserves serious notice, and brings out one of those points in the national character upon which the intellectual development of the time mainly depended. The national temper was indulgent in a high degree to all the varieties of positive impulses: the peculiar promptings in every individual bosom were allowed to manifest themselves, and bear fruit, without being suppressed by external opinion, or trained into forced conformity with some assumed standard: antipathies against any of them formed no part of the habitual morality of the citizen. While much of the generating causes of human hatred was thus rendered inoperative, and while society was rendered more comfortable, more instructive, and more stimulating, all its germs of productive fruitful genius, so rare everywhere, found in such an atmosphere the maximum of encouragement. Within the limits of the law, assuredly as faithfully observed at Athens as anywhere in Greece, individual impulse, taste, and even eccentricity, were accepted with indulgence, instead of being a mark, as elsewhere, for the intolerance of neighbors or of the public. This remarkable feature in Athenian life will help us in a future chapter to explain the striking career of Socrates; and it farther presents to us, under another face, a



great part of that which the censors of Athens denounced under the name of "democratical license." The liberty and diversity of individual life in that city were offensive to Xenophon, Plato, and Aristotle,—attached either to the monotonous drill of Sparta, or to some other ideal standard, which, though much better than the Spartan in itself, they were disposed to impress upon society with a heavy-handed uniformity. That liberty of individual action, not merely from the over-restraints of law, but from the tyranny of jealous opinion, such as Pericles depicts in Athens, belongs more naturally to a democracy, where there is no select One or Few to receive worship and set the fashion, than to any other form of government. But it is very rare, even in democracies; nor can we dissemble the fact, that none of the governments of modern times, democratical, aristocratical, or monarchical, presents any thing like the picture of generous tolerance towards social dissents, and spontaneity of individual taste, which we read in the speech of the Athenian statesman. In all of them, the intolerance of the national opinion cuts down individual character to one out of a few set types, to which every person or every family is constrained to adjust itself, and beyond which all exceptions meet either with hatred or with derision. To impose upon men such restraints, either of law or of opinion, as are requisite for the security and comfort of society, but to encourage rather than repress the free play of individual impulse subject to those limits, is an ideal, which, if it was ever approached at Athens, has certainly never been attained, and has indeed comparatively been little studied or cared for, in any modern society."

The difference here pointed out between the temper of the Athenian and that of the modern mind is most closely connected with the wonderful display of individual genius which made Athens illustrious, and with the comparative mediocrity of modern times. Origi-

nality is not always genius, but genius is always originality; and a society which looks jealously and distrustfully on original people — which imposes its common level of opinion, feeling, and conduct, on all its individual members — may have the satisfaction of thinking itself very moral and respectable, but it must do without genius. It may have persons of talent, who bring a larger than usual measure of commonplace ability into the service of the common notions of the time: but genius, in such a soil, is either fatally stunted in its growth; or, if its native strength forbids this, it usually retires into itself, and dies without a sign.

The ambitious external policy of Athens is one of the points in Greek history which have been most perversely misjudged and misunderstood. Modern historians seem to have succeeded to the jealous animosity of the Corinthians, and other members of the Spartan alliance, at the opening of the Peloponnesian War, though by no means at one with them in the reasons they are able to assign for it. The Athenians certainly were not exempt from the passion, universal in the ancient world, for conquest and dominion. It was a blemish, when judged by the universal standard of right; but, as a fact, it was most beneficial to the world, and could not have been other than it was without crippling them in their vocation as the organ of progress. There was scarcely a possibility of permanent improvement for mankind, until intellect had first asserted its superiority, even in a military sense, over brute force. With the barbarous part of the species pressing in all round to crush every early germ of improvement, all would have been lost if there had not

also been an instinct in the better and more gifted portions of mankind to push for dominion over the duller and coarser. Besides, in a small but flourishing free community like Athens, ambition was the simple dictate of prudence. No such community could have had any safety for its own freedom but by acquiring power. Instead of reprobating the Athenian maritime empire, the whole of mankind, beginning with the subject States themselves, had cause to lament that it was not much longer continued; for that the fate of Greek civilization was bound up with it, is proved by the whole course of the history. When the jealousies of the other Greek States stripped Athens of her empire, and nominally restored the subject allies to an independence which they were wholly incapable of maintaining, Greece lost her sole chance of making successful head against Macedonia or Rome. And, considering what the short period of Athenian greatness has done for the world, it is painful to think in how much more advanced a stage human improvement might now have been, if the Athens of Pericles could have lived on in undiminished spirit and energy for but one century more.

The Athenian Empire was the purest in its origin of all the empires of antiquity. It was at first a free and equal confederacy for defence against the Persians, organized by Aristides with a justice worthy of his name. It never would have become any thing else, but that the majority of the allies, consisting of the comparatively unwarlike and energetic Asiatic Greeks, chose to make their contribution in money instead of personal service; preferring to pay Athens for protecting them, rather than protect themselves. Even the re-

moval of the treasury of the confederacy from Delos to Athens was no act of the Athenians, but of the synod of the confederacy, on the proposition of Samos. When, at a later date, some of the States attempted to secede from the alliance, and enjoy the peace and security which it afforded, without sharing in the cost, the general sentiment of the confederates at first went along with Athens in bringing back the recusants by force of arms. But, with these small town communities, to be defeated was to be conquered; and the conquered, by the universal custom of antiquity, received the law from the conqueror. That law, in the case of Athens, was only occasionally either harsh or onerous; yet thus, by degrees, the once equal allies sunk into tributaries. The few who had neither revolted, nor commuted personal service for pecuniary payment, retained their naval and military force, and their immunity from tribute, and had nothing to complain of, but that, like the dependencies of England or of any modern nation, they were compelled to join in the wars of the dominant State, without having any voice in deciding them. They do not seem to have alleged any other practical grievances against the Athenian community: their complaints, recorded by Thucydides, turn almost solely upon offence to the Grecian sentiment of city independence and dignity. Under the protection of the powerful Athenian navy, the allied States enjoyed a security never before known in Greece, and which no one of them could possibly have acquired by its own efforts. Many of them grew rich and prosperous. With their internal government, Athens, as a general rule, did not interfere; in Mr. Grote's opinion, not.

even to make it democratical, when it did not happen to be so already. Like all the weak States of antiquity, whether called independent or not, they were liable to extortion and oppression; not, however, from the Athenian people, but from rich and powerful Athenians in command of expeditions, against whom the Demos, when judicially appealed to, was ready to give redress. The most express testimony is borne to this general fact by the able oligarchical conspirator Phrynichus, as reported by the oligarchically inclined Thucydides, in his account of that remarkable incident in Athenian history, the revolution of the Four Hundred. The historian represents Phrynichus as reminding his fellow-conspirators that they could expect neither assistance nor good-will from the allies, since these well knew that it was from the oligarchical Athenians they were liable to injury, and looked upon the Demos as their protector.\* The reality of the protection is exemplified by the case of Paches, the victorious general who had just before captured Mitylene. The resentment of the Athenians against that revolted city was such, that they were (as is well known) persuaded by Cleon to pass a decree for putting the whole military population to death, though they recalled the mandate before it had been executed. Yet Paches, having abused his victory by violating two women of Mitylene (having first put their husbands to death), was prosecuted by them before the Athenian

\* Τούς τε καλοὺς κάγαθους ὀνομαζομένους οὐκ ἐλάσσω αὐτοὺς νομίζειν σφίσι πράγματα παρέξειν τοῦ δήμου, ποριστὺς ὄντας καὶ ἐσηγητὰς τῶν κακῶν τῷ δήμῳ, ἐξ ὧν τὰ πλείω αὐτοὺς ὠφελείσθαι καὶ τὸ μὲν ἐπ' ἐκείνοις εἶναι, καὶ ἄκριτοι ἔν καὶ βιαίωτερον ὑποθνήσκειν, τὸν τε δῆμον σφῶν τε καταφυγὴν εἶναι καὶ ἐκείνων σωφρονιστήν. Καὶ ταῦτα παρ' αὐτῶν τῶν ἔργων ἐπισταμένας τὰς πόλεις σαφῶς αὐτοὺς εἰδέναι, ὅτι οὕτω νομίζουσιν. — *Thuc.*, viii. 48.

dicastery ; and, the facts being proved, was so overwhelmed by the general burst of indignation, that he slew himself in open court. This incident (which, until its real circumstances had been hunted out by Niebuhr, was one of the stock examples of Athenian and popular ingratitude) is a striking illustration of the difference between the Athenian Empire and the Lacedæmonian ; for when Spartan citizens, in repeated instances, committed similar enormities, not against conquered enemies, but friendly allies, no redress could be obtained. It required the field of Leuctra to avenge the daughters of Skedasus, or appease the manes of the victims of the harmost Aristodemus.

However unpopular the dominion of Athens may have been among her subjects, though it appears to have been so with the leading men rather than with the majority, they had reason enough to regret it after it was at an end ; for not only was the little finger of Lacedæmon heavier than the whole body of Athens, but many of them only exchanged Greek dominion for that of the Barbarians. Sparta was never able, for more than a few years, to protect the Asiatic Greeks even against Persia ; and at the height of her power, as soon as the obligation of defending them became inconvenient, she, by the peace of Antalcidas, actually ceded the whole of that great division of Greece to the Persian king, to whom it remained subject until the invasion of Alexander. Several of the most prosperous of the islanders fared no better : Cos, Chios, and Rhodes, when by the Social War they succeeded in detaching themselves from the second Athenian Empire, fell almost immediately into dependence on the Carian despot Mausolus,

against whom the Rhodians had soon to appeal again to their enemy, Athens, for assistance. So mere a name was that universal autonomy, which was used so successfully to stir up the feelings of the Hellenic world against its noblest member; so entirely did the independence of Greece turn on the maintenance of some cohesion among her multifarious particles, while the political instincts of her people obstinately rejected the merging of the single city-republic in any larger unity.

The intellectual and moral pre-eminence which made Athens the centre of good to Greece, and of the good to after-generations of which Greece has been the medium, was wholly the fruit of Athenian institutions. It was the consequence, first of democracy, and secondly of the wise and well-considered organization by which the Athenian democracy was distinguished among the democratic constitutions of antiquity. The term "democracy" may perhaps be deemed inapplicable to any of the Grecian governments, on account of the existence of slavery; and it is inapplicable to them in the purest and most honorable sense of the term. But in another sense, not altogether inappropriate, those governments, the first to which the word "democracy" was applied, must be considered entitled to the name: in the same manner as it is given to the Northern States of America, although women are there excluded from the rights of citizenship; an exclusion which, equally with that of slaves, militates against the democratic principle. The Athenian Constitution was so far a democracy, that it was government by a multitude, composed in majority of poor persons, — small landed proprietors and arti

sans. It had the additional democratic characteristic, far more practically important than even the political franchise, — it was a government of boundless publicity and freedom of speech. It had the liberty of the bema, of the dicastery, the portico, the palæstra, and the stage ; altogether a full equivalent for the liberty of the press. Further, it was the *only* government of antiquity which possessed this inestimable advantage in the same degree, or retained it as long. Enemies and friends alike testify that the *παῖρρησία* of Athens was paralleled in no other place in the known world. Every office and honor was open to every citizen, not, as in the aristocratic Roman republic (or even the British monarchy), almost nominally, but really ; while the daily working of Athenian institutions (by means of which every citizen was accustomed to hear every sort of question, public and private, discussed by the ablest men of the time, with the earnestness of purpose, and fulness of preparation, belonging to actual business, deliberative or judicial) formed a course of political education, the equivalent of which modern nations have not known how to give even to those whom they educate for statesmen. To their multitudinous judicial tribunals the Athenians were also indebted for that habitual love of fair play, and of hearing both sides of a case, which was more or less a quality of the Greeks generally, but had so firm a hold on the Athenians, that it did not desert them under the most passionate excitement. The potency of Grecian democracy in making every individual in the multitude identify his feelings and interests with those of the State, and regard its freedom and greatness as the first and principal of his own personal



concerns, cannot be better described than in the words of Mr. Grote. After quoting a remarkable passage from Herodotus, descriptive of the unexpected outburst of patriotic energy at Athens after the expulsion of the Pisistratidæ, and the establishment of the Cleisthenean Constitution,\* Mr. Grote proceeds as follows (vol. iv. pp. 237-9):—

“Democracy in Grecian antiquity possessed the privilege, not only of kindling an earnest and unanimous attachment to the constitution in the bosoms of the citizens, but also of creating an energy of public and private action such as could never be obtained under an oligarchy, where the utmost that could be hoped for was a passive acquiescence and obedience. Mr. Burke has remarked, that the mass of the people are generally very indifferent about theories of government: but such indifference (although improvements in the practical working of all governments tend to foster it) is hardly to be expected among any people who exhibit decided mental activity and spirit on other matters; and the reverse was unquestionably true, in the year 500 B.C., among the communities of ancient Greece. Theories of government were there any thing but a dead letter: they were connected with emotions of the strongest as well as of the most opposite character. The theory of a permanent ruling One, for example, was universally odious: that of a ruling Few, though acquiesced in, was never positively attractive, unless either where it was associated with the maintenance of peculiar education and habits, as at Sparta, or where it presented itself as the only

\* Ἀθηναῖοι μὲν νυν ἡνξηντο· δηλοῖ δὲ οὐ κατ' ἐν μόνον ἀλλὰ πανταχῇ, ἡ ἰσηγورίη ὥς ἐστι χρῆμα σπουδαῖον, εἰ καὶ Ἀθηναῖοι τυραννευόμενοι μὲν, οὐδαμῶν τῶν σφέας περιοικούντων ἔσαν τὰ πολέμα ἡμείνου, ἀπαλλαχθέντες δὲ τυράννων, μακρῷ πρώτοι ἐγένοντο· δηλοῖ ὧν ταῦτα, ὅτι κατεχομένοι μὲν, ἐθελόκακεον, ὥς δεσπότη ἱρναζόμενοι, ἐλευθερωθέντων δὲ, αὐτὸς ἕκαστος ἐωυτῷ προθυμέτο κατεργάζεσθαι. — *Herod.*, v. 78.

antithesis to democracy; the latter having, by peculiar circumstances, become an object of terror. But the theory of democracy was pre-eminently seductive; creating in the mass of the citizens an intense positive attachment, and disposing them to voluntary action and suffering on its behalf, such as no coercion on the part of other governments could entail. Herodotus, in his comparison of the three sorts of government, puts in the front rank of the advantages of democracy "its most splendid name and promise,"—its power of enlisting the hearts of the citizens in support of their constitution, and of providing for all a common bond of union and fraternity. This is what even democracy did not always do; but it was what no other government in Greece *could* do,—a reason alone sufficient to stamp it as the best government, and presenting the greatest chance of beneficent results. . . . Among the Athenian citizens, certainly, it produced a strength and unanimity of positive political sentiment such as has rarely been seen in the history of mankind; which excites our surprise and admiration the more, when we compare it with the apathy which had preceded, and which is even implied as the natural state of the public mind in Solon's famous proclamation against neutrality in a sedition. Because democracy happens to be unpalatable to most modern readers, they have been accustomed to look upon the sentiment here described only in its least honorable manifestations,—in the caricatures of Aristophanes, or in the empty commonplaces of rhetorical declaimers. But it is not in this way that the force, the earnestness, or the binding value, of democratical sentiment at Athens is to be measured. We must listen to it as it comes from the lips of Pericles, while he is strenuously enforcing upon the people those active duties for which it both implanted the stimulus and supplied the courage; or from the oligarchical Nikias in the harbor of Syracuse, when he is endeavoring to revive the courage of his despairing troops for one last death-struggle, and when he appeals to

their democratical patriotism as to the only flame yet alive and burning even in that moment of agony. From the time of Kleisthenes downward, the creation of this new mighty impulse makes an entire revolution in the Athenian character; and, if the change still stood out in so prominent a manner before the eyes of Herodotus, much more must it have been felt by the contemporaries among whom it occurred."

The influences here spoken of were those of democracy generally. For the peculiar and excellent organization of her own democracy, Athens was indebted to a succession of eminent men. The earliest was her great legislator, Solon; himself the first capital prize which Athens drew in the dispensations of the Destinies; a man whose personal virtue ennobled the city by which he was chosen to legislate, and the merit of whose institutions was a principal source of the deep-rooted respect for the laws which distinguished Athens beyond any other of the ancient democracies. The salutary forms of business established by Solon, and calculated to secure as much caution and deliberation as were compatible with ultimate decision by a sovereign Ecclesia, lived through the successive changes by which the constitution was rendered more and more democratic. And though it is commonly supposed that popular passion in a democracy is peculiarly liable to trample on forms when they stand between it and its object, — which is indeed, without question, one of the dangers of a democracy, — there is no point in the character of the Athenians more remarkable than their respect and attachment to the forms of their constitution. In the height of their anger against Pericles for not leading

them out to defend their lands and houses from the ravages of the Peloponnesians, — because he, standing on his privilege as a magistrate, abstained from calling an assembly, no assembly met. There is indeed but one marked instance known to us, in Athenian history, of that violation of forms which was the daily practice of most of the oligarchical governments. That one was a case of great and just provocation, — the *cause célèbre* of the six generals who neglected to save their drowning countrymen after the sea-fight of Arginusæ; and there was, as Mr. Grote has shown, no injustice in the fact of their condemnation by the people, though there was a blamable violation of the salutary rules of criminal procedure established for the protection of the innocent. It was in this case that the philosopher Socrates, accidentally that month a senator of the presiding tribe, as firm against the *civium ardor prava jubentium* as afterwards against the *vultus instantis tyranni*, singly refused to join in putting the question to the assembly contrary to the laws; adding one to the proofs that the man of greatest intellect at that time in Athens was also its most virtuous citizen.

After Solon (omitting the intervening usurpation of Pisistratus), the first great constitutional change was the reformation of Cleisthenes; an eminent man, to whose character and historical importance no one before Mr. Grote had done justice. The next was that in which the immediate mover was Aristides, at the re-establishment of the city after the Persian War, when the poorest class of citizens was first admitted to share in public employments. The final measures which completed the democratic constitution were those of

Pericles and Ephialtes ; more particularly the latter, — a statesman of whom, from the unfortunate absence of any cotemporary history of the period between the Persian and Peloponnesian wars except the brief introductory sketch of Thucydides, we have to lament that too little is known, but of whom the recorded anecdotes indicate a man worthy to have been the friend of Pericles.\* Ephialtes perished by assassination ; a victim to the rancorous hatred of the oligarchical party. Assassination afterwards disappears from Athenian public life, until re-introduced on a regular system by the same party, to effect the revolution of the Four Hundred. The Athenian Many, of whose democratic irritability and suspicion we hear so much, are rather to be accused of too easy and good-natured a confidence, when we reflect that they had living in the midst of them the very men, who, on the first show of an opportunity, were ready to compass the subversion of the democracy by the dark deeds of Peisander and Antiphon ; and, when they had effected their object, perpetrated all the villanies of Critias and his associates. These men ought always to be present to the mind, not merely as a dark background to the picture of the Athenian Republic, but as an active power in it. They were no obscure private individuals, but men of rank and fortune ; not only prominent as politicians and public speakers, but continually trusted with all the great offices of State. Truly Athens was in more danger from these men than from the demagogues : they were indeed themselves the worst of the demagogues ; described by Phrynichus, their confederate, as for their

\* See particularly *Ælian*, V. H. xi. 9, and xiii. 39.

own purposes, the leaders and instigators of the Demes to its most blamable actions, *ποριστὰς καὶ ἐσηγητὰς τῶν κακῶν τῷ δήμῳ, ἐξ ὧν τὰ πλείω αὐτοῖς ὠφελεῖσθαι.*

These are a few of the topics on which a flood of light is let in by Mr. Grote's History, and from which those who have not read it may form some notion of the interest which pervades it, especially the part relating to the important century between 500 and 400 B.C. The searching character of Mr. Grote's historical criticism is not suspiciously confined to matters in which his own political opinions may be supposed to be interested. Though the statement has the air of an exaggeration, yet, after much study of Mr. Grote's book, we do not hesitate to assert, that there is hardly a fact of importance in Grecian history which was perfectly understood before his re-examination of it. This will not seem incredible to those who are aware how new an art that of writing history is; how very recently it is that we possess histories, of events not cotemporary with the writer, which, apart from literary merit, have any value otherwise than as materials; how utterly uncritical, until lately, were all historians, even as to the most important facts in history; and how much, even after criticism had commenced, the later writers merely continued to repeat after the earlier. In our own generation, Niebuhr has effected a radical revolution in the opinions of all educated persons respecting Roman history. Grecian events subsequent to the Homeric period are more authentically recorded; but there, too, a very moderate acquaintance with the evidence was sufficient to show how superficially it had hitherto been examined.

That the Sophists, for example, were not the knaves and profligates they are so often represented to have been, could be gathered even from the statements of the hostile witnesses on whose authority they were condemned. The "Protagoras" alone, of their great enemy Plato, is a sufficient document. But Mr. Grote has been the first to point out clearly what the Sophists really were. That term was the common designation for speculative inquirers generally, and more particularly for instructors of youth; and was applied to Socrates and Plato as much as to those whom they confuted. The Sophists formed no school, had no common doctrines, but speculated in the most conflicting ways on physics and metaphysics; while, with respect to morals, those among them who professed to prepare young men for active life taught the current morality of the age in its best form. The apologue of the "Choice of Hercules" was the composition of a Sophist. It is most unjust to the Sophists to adopt, as the verdict of history upon them, the severe judgment of Plato; although, from Plato's point of view, they deserved it. He judged them from the superior elevation of a great moral and social reformer: from that height he looked down contemptuously enough, not on them alone, but on statesmen, orators, artists, — on the whole practical life of the period, and all its institutions, popular, oligarchical, or despotic; demanding a reconstitution of society from its foundations, and a complete renovation of the human mind. One who had these high aspirations had naturally little esteem for men who did not see, or aspire to see, beyond the common ideas of their age; but, as Mr. Grote remarks, to accept his judgment of them would

be like characterizing the teachers and politicians of the present time in the words applied to them by Owen or Fourier. Even Plato, for the most part, puts the immoral doctrines ascribed to the Sophists (such as the doctrine that might makes right) into the mouths, not of Sophists, but of ambitious active politicians like Callicles. The Sophists, in Plato, almost always express themselves not only with decorum, but with good sense and feeling, on the subject of social duties ; though, by his Socratic dialectics, he always succeeds in puzzling them, and displaying the confusion of their ideas, or rather of the common ideas of mankind, of which they are the exponents.

Again : the Athenian democracy had been so outrageously, and without measure, misrepresented, that whoever had read (as so few have done) Thucydides and the orators with decent intelligence and candor could easily perceive that the vulgar representation was very wide of the truth ; just as any one who had read Livy could see, and many did see, that the agrarian law was not the unjust spoliation that was pretended : but, as it required Niebuhr to detect with accuracy what the agrarian law actually was, so no less profound a knowledge of Greek literature than that of Mr. Grote, combined with equal powers of reasoning and reflection, would have sufficed to make the effective working of the Athenian Constitution as well known to us as it may now be pronounced to be. The mountain of error which had accumulated and hardened over Greek history, the removal of which had been meritoriously commenced by Dr. Thirlwall, has not only been shaken off, but the outlines of the real object are now made visible. And so



cautious and sober is Mr. Grote in the estimate of evidence, so constantly on his guard against letting his conclusions outrun his proofs, as to make it a matter of wonder, that, among so much that is irreparably lost, his researches have enabled him to arrive at so considerable an amount of positive and certifiable result.

This conscientious scrupulousness in maintaining the demarcation between conjecture and proof is more indispensable than any other excellence in a historian, and, above all, in one who sets aside the common notion of many of the facts which he relates, and replaces it by a version of his own. Without this quality, such an innovator on existing beliefs inspires no reliance, and can only at most unsettle historical opinion without helping to restore it. Anybody can scrawl over the canvas with the commonplaces of rhetoric or the catchwords of party politics; and many, especially in Germany, can paint in a picture from the more or less ingenious suggestions of a learned imagination. But Mr. Grote commands the confidence of the reader by his sobriety in hypothesis; by never attempting to pass off an inference as a fact; and, when he differs from the common opinion, explaining his reasons with the precision and minuteness of one who neither desires nor expects that any thing will be taken upon trust. He has felt that a history of Greece, to be of any value, must be also a running commentary on the evidence; and he has endeavored to put the reader in a position to judge for himself on every disputable point. But the discussions, though to a historical taste as interesting as the narrative, are not carried on at its expense. Wherever the facts, authentically known, allow a consecutive stream

of narrative to be kept up, the story is told in a more interesting manner than it has anywhere been told before, except in the finest passages of Thucydides.

We are indeed disposed to assign to this history almost as high a rank in narrative as in thought. It is open, no doubt, to minute criticism ; and many writers are superior to Mr. Grote in rapidity, grace, and picturesqueness of style. But, even in these respects, there is no such deficiency as amounts to a fault ; while in two qualities far more important to the interest, not to say the value, of his recitals, he has few equals, and probably no superior. The first is, that, at each point in the series of events, he makes it his primary object to fill his own mind and his reader's with as correct and complete a conception as can be formed of the situation ; so that we enter at once into the impressions and feelings of the actors, both collective and individual. Niebuhr had already, in his "Lectures on Ancient History," carried his characteristic liveliness of conception into the representation of the leading characters of Greek history ; depicting them, often, we fear, with insufficient warrant from evidence, like persons with whom he had long lived and been familiar : but for clearness and correctness in conceiving the surrounding circumstances, and the posture of affairs at each particular moment, we do not think him at all comparable to Mr. Grote.

One of the beneficial fruits of this quality is, that it makes the history a philosophic one without apparent effort. There is no need of lengthened discussion to connect causes with their effects : the causes and effects are parts of the same picture, and the causes are seen in action before it appears what they are to produce

For example : the reader whose mind is filled with the greatness attained by Athens, while her councils were ruled by the commanding intellect and self-restraining prudence of Pericles, might almost anticipate the coming disasters, when he finds, in the early chapters of the seventh volume, into the hands of what advisers Athens had already fallen. And mark well : these evil advisers were not the demagogues, but the chiefs of the aristocracy, the richest and most high-born men in the republic, — Nicias and Alcibiades. Mr. Grote had already shown grounds for believing, that Cleon and men of his stamp had been far too severely dealt with by historians ; not that they did not frequently deserve censure, but that they were by no means the worst misleaders of the Athenian people. The demagogues were, as he observes, essentially opposition speakers. The conduct of affairs was habitually in the hands of the rich and great, who had by far the largest share of personal influence, and on whose mismanagement there would have been hardly any check, but for the demagogues and their hostile criticism. These opinions receive ample confirmation from the course of affairs, when, there being no longer any low-born Cleon or Hyperbolus to balance their influence, Nicias and Alcibiades had full scope to ruin the commonwealth. The contrary vices of these two men, both equally fatal, are exemplified in the crowning act of their maladministration ; the one having been the principal adviser of the ill-starred expedition to Syracuse, while the other was the main cause of its ruinous failure by his intellectual and moral incapacity.

This genuine realization of the successive situations

also renders the narrative itself a picture of the Greek mind. Carrying on, throughout, the succession of feelings concurrently with that of events, the writer becomes, as it were, himself a Greek, and takes the reader along with him; and hence, if every discussion or dissertation in the book were omitted, it would still be wonderfully in advance of any former history in making the Greeks intelligible. For example: no modern writer has made the reader enter into the religious feelings of the Greeks as Mr. Grote does. Other historians let it be supposed, that, except in some special emergencies, beliefs and feelings relating to the unknown world counted for very little among the determining causes of events; and it is a kind of accredited opinion, that the religion of the ancients sat almost as lightly on them as if it had been to them — what it is in modern literature — a mere poetical ornament. But the case was quite otherwise: religion was one of the most active elements in Grecian life, with an effect, in the early rude times, probably on the whole beneficial, but growing more and more injurious as civilization advanced. Mr. Grote is the first historian who has given an adequate impression of the omnipresence of this element in Grecian life; the incessant reference to supernatural hopes and fears which pervaded public and private transactions, as well as the terrible power with which those feelings were capable of acting, and not unfrequently did act, on the Hellenic susceptibilities. While our admiration is thus increased for the few superior minds, who, like Pericles and Epaminondas, rose above at least the vulgarer parts of the religion of their country, or, like Plato, probably rejected it alto-

gether, we are enabled to see the explanation of much that would otherwise be enigmatical, and to judge the Greeks with the same amount of allowance for errors produced by their religion, which, in parallel cases, is always conceded to the moderns.

The other eminent quality which distinguishes Mr. Grote's narrative is its pervading *ἠθος*; the moral interest, which is so much deeper and more impressive than picturesque interest, and exists in portions of the history which afford no materials for the latter. The events do not always admit of being vividly depicted to the mental eye; and, when they do, the author does not always make use of the opportunity: but one thing he never fails in, — the moral aspect of the events and of the persons is never out of sight, and gives the predominating character to the recital. We use the word "moral" not solely in the restricted sense of right and wrong, but as inclusive of the whole of the sentiments connected with the occasion. Along with the clear light of the scrutinizing intellect, there is the earnest feeling of a sympathizing contemporary. This rich source of impressiveness in narration is often wanting in writers of the liveliest fancy, and the most brilliant faculty of delineating the mere outside of historical facts.

Nor is the narrative deficient in the commoner sources of interest. The apt selection and artistic grouping of the details of battles and sieges, Mr. Grote had found done to his hand by the consummate narrators whom he follows; and in this respect he could do no better than simply to reproduce their recital. There is much more that belongs peculiarly to himself, in the series of remarkable characters whom he exhibits before us, not

so much (generally speaking) in description or analysis as in action. In the earlier period, the prominent characters are Themistocles and Aristides, — Themistocles, the most sagacious, the most far-sighted, the most judiciously daring, the craftiest, and unfortunately also one of the most unprincipled, of politicians; who first saved, then aggrandized, and at last would have sold, his country: Aristides, the personification of public and private integrity, the one only Grecian statesman who finds grace before the somewhat pedantically rigid tribunal of the Platonic Socrates.

The figure which most brightly illuminates the middle period of Mr. Grote's History is Pericles, — "the Thunderer;" "the Olympian Zeus," as he was called by his libellers, the comic dramatists of Athens. Seldom, if ever, has there been seen, in a statesman of any age, such a combination of great qualities as were united in this illustrious man: unrivalled in eloquence; eminent in all the acquirements, talents, and accomplishments of his country; the associate of all those among his cotemporaries who were above their age, either in positive knowledge or in freedom from superstition; though an aristocrat by birth and fortune, a thorough democrat in principle and conduct, yet never stooping to even the pardonable arts of courting popularity, but acquiring and maintaining his ascendancy solely by his commanding qualities; never flattering his countrymen save on what was really admirable in them, and which it was for their good to be taught to cherish, but the determined enemy of their faults and follies; ever ready to peril his popularity by giving disagreeable advice, and, when not appreciated, rising up against the injustice done him,

with a scornful dignity almost amounting to defiance. Such was Pericles : and that such a man should have been practically first minister of Athens during the greatest part of a long political life is not so much honorable to him as to the imperial people who were willing to be so led ; who, though in fits of temporary irritation and disappointment, excusable in the circumstances, they several times withdrew their favor from him, always hastened to give it back ; and over whom, while he lived, no person of talents and virtues inferior to his was able to obtain any mischievous degree of influence. It is impossible to estimate how great a share this one man had in making the Athenians what they were. A great man had, in the unbounded publicity of Athenian political life, extraordinary facilities for moulding his country after his own image ; and seldom has any people, during a whole generation, enjoyed such a course of education as forty years of listening to the lofty spirit and practical wisdom of Pericles must have been to the Athenian Demos.

As the next in this gallery of historical portraits, we quote the character of another, but a far inferior, Athenian statesman ; whom Mr. Grote is, we think, the very first to appreciate correctly, and bring before us in the colors and lineaments of life.

“ Though Nikias, son of Nikeratus, had been for some time conspicuous in public life, and is said to have been more than once Strategus along with Pericles, this is the first occasion on which Thucydides introduces him to our notice. He was now one of the Strategi, or generals, of the commonwealth ; and appears to have enjoyed, on the whole, a greater and more constant personal esteem than any citizen of Athens, from the

present time down to his death. In wealth and in family, he ranked among the first class of Athenians; in political character, Aristotle placed him, together with Thucydides, son of Melesias, and Theramenes, above all other names in Athenian history, — seemingly even above Pericles. Such a criticism from Aristotle deserves respectful attention, though the facts before us completely belie so lofty an estimate. It marks, however, the position occupied by Nikias in Athenian politics, as the principal person of what may be called the oligarchical party, succeeding Kimon and Thucydides, and preceding Theramenes. In looking to the conditions under which this party continued to subsist, we shall see, that during the interval between Thucydides, son of Melesias, and Nikias, the democratical forms had acquired such confirmed ascendancy, that it would not have suited the purpose of any politician to betray evidence of positive hostility to them prior to the Sicilian expedition, and the great embarrassment in the foreign relations of Athens which arose out of that disaster. After that change, the Athenian oligarchs became emboldened and aggressive, so that we shall find Theramenes among the chief conspirators in the revolution of the Four Hundred; but Nikias represents the oligarchical party in its previous state of quiescence and torpidity, accommodating itself to a sovereign democracy, and existing in the form of common sentiment rather than of common purposes. And it is a remarkable illustration of the real temper of the Athenian people, that a man of this character, known as an oligarch, but not feared as such, and doing his duty sincerely to the democracy, should have remained until his death the most esteemed and influential man in the city. He was a man of a sort of even mediocrity in intellect, in education, and in oratory; forward in his military duties, and not only personally courageous in the field, but also competent as a general under ordinary circumstances; assiduous in the discharge of all political duties at home, especially in the post of Strategus or one of the ten generals of the State, to which



he was frequently chosen and rechosen. Of the many valuable qualities combined in his predecessor Pericles, the recollection of whom was yet fresh in the Athenian mind, Nikias possessed two, on which, most of all, his influence rested; though, properly speaking, that influence belongs to the sum total of his character, and not to any special attributes in it. First, he was thoroughly incorruptible as to pecuniary gains, — a quality so rare in Grecian public men of all the cities, that, when a man once became notorious for possessing it, he acquired a greater degree of trust than any superiority of intellect could have bestowed upon him; next, he adopted the Periclean view as to the necessity of a conservative or stationary foreign policy for Athens, and of avoiding new acquisitions at a distance, adventurous risks, or provocation to fresh enemies. With this important point of analogy, there were at the same time material differences between them even in regard to foreign policy. Pericles was a conservative, resolute against submitting to loss or abstraction of empire, as well as refraining from aggrandizement. Nikias was in policy faint-hearted, averse to energetic effort for any purpose whatever, and disposed not only to maintain peace, but even to purchase it by considerable sacrifices. Nevertheless, he was the leading champion of the conservative party of his day, always powerful at Athens; and as he was constantly familiar with the details and actual course of public affairs, capable of giving full effect to the cautious and prudential point of view, and enjoying unqualified credit for honest purposes, his value as a permanent counsellor was steadily recognized, even though in particular cases his counsel might not be followed.

“ Besides these two main points, which Nikias had in common with Pericles, he was perfect in the use of those minor and collateral modes of standing well with the people, which that great man had taken little pains to practise. While Pericles attached himself to Aspasia, whose splendid qualities did not redeem in the eyes of the public either her foreign

origin or her unchastity, the domestic habits of Nikias appear to have been strictly conformable to the rules of Athenian decorum. Pericles was surrounded by philosophers, Nikias by prophets, whose advice was necessary both as a consolation to his temperament, and as a guide to his intelligence under difficulties : one of them was constantly in his service and confidence ; and his conduct appears to have been sensibly affected by the difference of character between one prophet and another, just as the government of Louis XIV. and other Catholic princes has been modified by the change of confessors. To a life thus rigidly decorous and ultra-religious — both eminently acceptable to the Athenians — Nikias added the judicious employment of a large fortune with a view to popularity. Those liturgies (or expensive public duties undertaken by rich men, each in his turn, throughout other cities of Greece as well as in Athens) which fell to his lot were performed with such splendor, munificence, and good taste, as to procure for him universal encomiums ; and so much above his predecessors, as to be long remembered and extolled. Most of these liturgies were connected with the religious service of the State ; so that Nikias, by his manner of performing them, displayed his zeal for the honor of the gods, at the same time that he laid up for himself a store of popularity. Moreover, the remarkable caution and timidity — not before an enemy, but in reference to his own fellow-citizens — which marked his character rendered him pre-eminently scrupulous as to giving offence or making personal enemies. While his demeanor towards the poorer citizens generally was equal and conciliating, the presents which he made were numerous, both to gain friends and to silence assailants. We are not surprised to hear, that various bullies, whom the comic writers turn to scorn, made their profit out of this susceptibility ; but, most assuredly, Nikias as a public man, though he might occasionally be cheated out of money, was greatly assisted by the reputation which he thus acquired."

We have the more willingly extracted this passage, because, like many others in these volumes, it contains lessons applicable to other times and circumstances than those of Greece; Nikias being a perfect type of one large class of the favorites of public opinion, modern as well as ancient. And the view here incidentally presented of some points in the character and disposition of the Athenian Many, will afford to readers, who only know Athens and Greece through the medium of writers like Mitford, some faint idea of how much they have to unlearn.

With regard to style, in the ordinary sense, what is most noticeable in Mr. Grote is, that his style always rises with his subject. The more valuable the thought, or interesting the incident, the apter and more forcible is the expression; as is generally the case with writers who are thinking of their subject rather than of their literary reputation. We can conscientiously say of him, — what, rightly understood, is the highest praise, which, on the score of mere composition, a writer in the more intellectual departments of literature can desire or deserve, — that every thing which he has to express, he is always able to express adequately and worthily.

## A FEW WORDS ON NON-INTERVENTION.\*

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THERE is a country in Europe, equal to the greatest in extent of dominion, far exceeding any other in wealth, and in the power that wealth bestows, the declared principle of whose foreign policy is to let other nations alone. No country apprehends or affects to apprehend from it any aggressive designs. Power, from of old, is wont to encroach upon the weak, and to quarrel for ascendancy with those who are as strong as itself. Not so this nation. It will hold its own ; it will not submit to encroachment : but, if other nations do not meddle with it, it will not meddle with them. Any attempt it makes to exert influence over them, even by persuasion, is rather in the service of others than of itself, — to mediate in the quarrels which break out between foreign States, to arrest obstinate civil wars, to reconcile belligerents, to intercede for mild treatment of the vanquished, or, finally, to procure the abandonment of some national crime and scandal to humanity, such as the slave-trade. Not only does this nation desire no benefit to itself at the expense of others : it desires none in which all others do not as freely participate. It makes no treaties stipulating for separate commercial advantages. If the aggressions of barbarians force it to a successful war, and its victorious arms put it in a position to command

\* Fraser's Magazine, December, 1859.

liberty of trade, whatever it demands for itself it demands for all mankind. The cost of the war is its own : the fruits it shares in fraternal equality with the whole human race. Its own ports and commerce are free as the air and the sky : all its neighbors have full liberty to resort to it, paying either no duties, or, if any, generally a mere equivalent for what is paid by its own citizens ; nor does it concern itself, though they, on their part, keep all to themselves, and persist in the most jealous and narrow-minded exclusion of its merchants and goods.

A nation adopting this policy is a novelty in the world ; so much so, it would appear, that many are unable to believe it when they see it. By one of the practical paradoxes which often meet us in human affairs, it is this nation which finds itself, in respect of its foreign policy, held up to obloquy as the type of egoism and selfishness ; as a nation which thinks of nothing but of outwitting and outgeneralling its neighbors. An enemy, or a self-fancied rival who had been distanced in the race, might be conceived to give vent to such an accusation in a moment of ill-temper. But that it should be accepted by lookers-on, and should pass into a popular doctrine, is enough to surprise even those who have best sounded the depths of human prejudice. Such, however, is the estimate of the foreign policy of England most widely current on the Continent. Let us not flatter ourselves that it is merely the dishonest pretence of enemies, or of those who have their own purposes to serve by exciting odium against us, — a class including all the Protectionist writers, and the mouthpieces of all the despots and of the Papacy.

The more blameless and laudable our policy might be, the more certainly we might count on its being misrepresented and railed at by these worthies. Unfortunately, the belief is not confined to those whom they can influence, but is held with all the tenacity of a prejudice by innumerable persons free from interested bias. So strong a hold has it on their minds, that, when an Englishman attempts to remove it, all their habitual politeness does not enable them to disguise their utter unbelief in his disclaimer. They are firmly persuaded that no word is said, nor act done, by English statesmen, in reference to foreign affairs, which has not for its motive-principle some peculiarly English interest. Any profession of the contrary appears to them too ludicrously transparent an attempt to impose upon them. Those most friendly to us think they make a great concession in admitting that the fault may possibly be less with the English people than with the English Government and aristocracy. We do not even receive credit from them for following our own interest with a straightforward recognition of honesty as the best policy. They believe that we have always other objects than those we avow ; and the most far-fetched and unpalatable suggestion of a selfish purpose appears to them better entitled to credence than any thing so utterly incredible as our disinterestedness. Thus, to give one instance among many, when we taxed ourselves twenty millions (a prodigious sum in their estimation) to get rid of negro slavery, and for the same object perilled, as everybody thought,—destroyed, as many thought,—the very existence of our West-Indian colonies, it was, and still is, believed, that our fine professions were but to delude the world ; and

that by this self-sacrificing behavior we were endeavoring to gain some hidden object, which could neither be conceived nor described, in the way of pulling down other nations. The fox who had lost his tail had an intelligible interest in persuading his neighbors to rid themselves of theirs; but we, it is thought by *our* neighbors, cut off our own magnificent brush, the largest and finest of all, in hopes of reaping some inexplicable advantage from inducing others to do the same.

It is foolish attempting to despise all this, — persuading ourselves that it is not our fault, and that those who disbelieve *us* would not believe though one should rise from the dead. Nations, like individuals, ought to suspect some fault in themselves when they find they are generally worse thought of than they think they deserve; and they may well know that they are somehow in fault, when almost everybody but themselves thinks them crafty and hypocritical. It is not solely because England has been more successful than other nations in gaining what they are all aiming at, that they think she must be following after it with a more ceaseless and a more undivided chase. This, indeed, is a powerful predisposing cause, inclining and preparing them for the belief. It is a natural supposition, that those who win the prize have striven for it; that superior success must be the fruit of more unrenitting endeavor; and where there is an obvious abstinence from the ordinary arts employed for distancing competitors, and they are distanced nevertheless, people are fond of believing that the means employed must have been arts still more subtle and profound. This preconception makes them look out in all quarters for indi-

cations to prop up the selfish explanation of our conduct. If our ordinary course of action does not favor this interpretation, they watch for exceptions to our ordinary course, and regard these as the real index to the purposes within. They, moreover, accept literally all the habitual expressions by which we represent ourselves as worse than we are; expressions often heard from English statesmen, next to never from those of any other country, — partly because Englishmen, beyond all the rest of the human race, are so shy of professing virtues, that they will even profess vices instead; and partly because almost all English statesmen, while careless to a degree which no foreigner can credit respecting the impression they produce on foreigners, commit the obtuse blunder of supposing that low objects are the only ones to which the minds of their non-aristocratic fellow-countrymen are amenable, and that it is always expedient, if not necessary, to place those objects in the foremost rank.

All, therefore, who either speak or act in the name of England, are bound by the strongest obligations, both of prudence and of duty, to avoid giving either of these handles for misconstruction; to put a severe restraint upon the mania of professing to act from meaner motives than those by which we are really actuated, and to beware of perversely or capriciously singling out some particular instance in which to act on a worse principle than that by which we are ordinarily guided. Both these salutary cautions our practical statesmen are, at the present time, flagrantly disregarding.

We are now in one of those critical moments, which do not occur once in a generation, when the whole turn



of European events, and the course of European history for a long time to come, may depend on the conduct and on the estimation of England. At such a moment, it is difficult to say whether by their sins of speech or of action our statesmen are most effectually playing into the hands of our enemies, and giving most color of justice to injurious misconception of our character and policy as a people.

To take the sins of speech first: What is the sort of language held in every oration, which, during the present European crisis, any English minister, or almost any considerable public man, addresses to Parliament or to his constituents? The eternal repetition of this shabby *refrain*, — “We did not interfere, because no English interest was involved;” “We ought not to interfere where no English interest is concerned.” England is thus exhibited as a country whose most distinguished men are not ashamed to profess, as politicians, a rule of action which no one, not utterly base, could endure to be accused of as the maxim by which he guides his private life, — not to move a finger for others unless he sees his private advantage in it. There is much to be said for the doctrine, that a nation should be willing to assist its neighbors in throwing off oppression and gaining free institutions. Much also may be said by those who maintain that one nation is incompetent to judge and act for another, and that each should be left to help itself, and seek advantage or submit to disadvantage as it can and will. But, of all attitudes which a nation can take upon the subject of intervention, the meanest and worst is to profess that it interferes only when it can serve its own objects by it. Every other nation is

entitled to say, "It seems, then, that non-interference is not a matter of principle with you. When you abstain from interference, it is not because you think it wrong. You have no objection to interfere, only it must not be for the sake of those you interfere with: they must not suppose that you have any regard for their good. The good of others is not one of the things you care for; but you are willing to meddle, if by meddling you can gain any thing for yourselves." Such is the obvious interpretation of the language used.

There is scarcely any necessity to say, writing to Englishmen, that this is not what our rulers and politicians really mean. Their language is not a correct exponent of their thoughts. They mean a part only of what they seem to say. They do mean to disclaim interference for the sake of doing good to foreign nations. They are quite sincere and in earnest in repudiating this. But the other half of what their words express, a willingness to meddle, if by doing so they can promote any interest of England, they do not mean. The thought they have in their minds is, not the interest of England, but her security. What they would say is, that they are ready to act when England's safety is threatened, or any of her interests hostilely or unfairly endangered. This is no more than what all nations, sufficiently powerful for their own protection, do, and no one questions their right to do. It is the common right of self-defence. But, if we mean this, why, in Heaven's name, do we take every possible opportunity of saying, instead of this, something exceedingly different? Not self-defence, but aggrandizement, is the sense which foreign listeners put upon our

words. Not simply to protect what we have, and that merely against unfair arts, not against fair rivalry, but to add to it more and more without limit, is the purpose for which foreigners think we claim the liberty of intermeddling with them and their affairs. If our actions make it impossible for the most prejudiced observer to believe that we aim at or would accept any sort of mercantile monopolies, this has no effect on their minds but to make them think that we have chosen a more cunning way to the same end. It is a generally accredited opinion among Continental politicians, especially those who think themselves particularly knowing, that the very existence of England depends upon the incessant acquisition of new markets for our manufactures; that the chase after these is an affair of life and death to us; and that we are at all times ready to trample on every obligation of public or international morality, when the alternative would be, pausing for a moment in that race. It would be superfluous to point out what profound ignorance and misconception of all the laws of national wealth, and all the facts of England's commercial condition, this opinion presupposes: but such ignorance and misconception are unhappily very general on the Continent; they are but slowly, if perceptibly, giving way before the advance of reason; and for generations, perhaps, to come, we shall be judged under their influence. Is it requiring too much from our practical politicians to wish that they would sometimes bear these things in mind? Does it answer any good purpose to express ourselves as if we did not scruple to profess that which we not merely scruple to do, but the bare idea of doing which never crosses our

minds? Why should we abnegate the character we might with truth lay claim to, of being incomparably the most conscientious of all nations in our national acts? Of all countries which are sufficiently powerful to be capable of being dangerous to their neighbors, we are perhaps the only one whom mere scruples of conscience would suffice to deter from it. We are the only people among whom, by no class whatever of society, is the interest or glory of the nation considered to be any sufficient excuse for an unjust act; the only one which regards with jealousy and suspicion, and a proneness to hostile criticism, precisely those acts of its government which in other countries are sure to be hailed with applause, — those by which territory has been acquired, or political influence extended. Being in reality better than other nations, in at least the negative part of international morality, let us cease, by the language we use, to give ourselves out as worse.

But, if we ought to be careful of our language, a thousand times more obligatory is it upon us to be careful of our deeds, and not suffer ourselves to be betrayed by any of our leading men into a line of conduct, on some isolated point, utterly opposed to our habitual principles of action, — conduct such, that, if it were a fair specimen of us, it would verify the calumnies of our worst enemies, and justify them in representing not only that we have no regard for the good of other nations, but that we actually think their good and our own incompatible, and will go all lengths to prevent others from realizing even an advantage in which we ourselves are to share. This pernicious, and, one can scarcely help calling it, almost insane blunder,

we seem to be committing on the subject of the Suez Canal.

It is the universal belief in France, that English influence at Constantinople, strenuously exerted to defeat this project, is the real and only invincible obstacle to its being carried into effect. And unhappily the public declarations of our present Prime Minister not only bear out this persuasion, but warrant the assertion, that we oppose the work, because, in the opinion of our government, it would be injurious to the interest of England. If such be the course we are pursuing, and such the motive of it, and if nations have duties, even negatives ones, towards the weal of the human race, it is hard to say whether the folly or the immorality of our conduct is the most painfully conspicuous.

Here is a project, the practicability of which is indeed a matter in dispute, but of which no one has attempted to deny, that, supposing it realized, it would give a facility to commerce, and consequently a stimulus to production, an encouragement to intercourse, and therefore to civilization, which would entitle it to a high rank among the great industrial improvements of modern times. The contriving of new means of abridging labor and economizing outlay in the operations of industry is the object to which the larger half of all the inventive ingenuity of mankind is at present given up; and this scheme, if realized, will save, on one of the great highways of the world's traffic, the circumnavigation of a continent. An easy access of commerce is the main source of that material civilization, which, in the more backward regions of the earth, is the necessary condition and indispensable machinery of the moral;

and this scheme reduces practically, by one half, the distance, commercially speaking, between the self-improving nations of the world and the most important and valuable of the unimproving. The Atlantic Telegraph is esteemed an enterprise of world-wide importance, because it abridges the transit of mercantile intelligence merely. What the Suez Canal would shorten is the transport of the goods themselves, and this to such an extent as probably to augment it manifold.

Let us suppose, then, — for, in the present day, the hypothesis is too un-English to be spoken of as any thing more than a supposition, — let us suppose that the English nation saw in this great benefit to the civilized and uncivilized world a danger or damage to some peculiar interest of England. Suppose, for example, that it feared, by shortening the road, to facilitate the access of foreign navies to its Oriental possessions. The supposition imputes no ordinary degree of cowardice and imbecility to the national mind ; otherwise it could not but reflect, that the same thing which would facilitate the arrival of an enemy would facilitate also that of succor ; that we have had French fleets in the Eastern seas before now, and have fought naval battles with them there nearly a century ago ; that, if we ever become unable to defend India against them, we shall assuredly have them there, without the aid of any canal ; and that our power of resisting an enemy does not depend upon putting a little more or less of obstacle in the way of his coming, but upon the amount of force which we are able to oppose to him when come. Let us assume, however, that the success of the project would do more harm to England in some separate capacity,

than the good which, as the chief commercial nation, she would reap from the great increase of commercial intercourse. Let us grant this; and I now ask, What then? Is there any morality, Christian or secular, which bears out a nation in keeping all the rest of mankind out of some great advantage, because the consequences of their obtaining it may be to itself, in some imaginable contingency, a cause of inconvenience? Is a nation at liberty to adopt as a practical maxim, that what is good for the human race is bad for itself, and to withstand it accordingly? What is this but to declare that its interest and that of mankind are incompatible; that, thus far at least, it is the enemy of the human race? And what ground has it of complaint, if, in return, the human race determine to be *its* enemies? So wicked a principle, avowed and acted on by a nation, would entitle the rest of the world to unite in a league against it, and never to make peace until they had, if not reduced it to insignificance, at least sufficiently broken its power to disable it from ever again placing its own self-interest before the general prosperity of mankind.

There is no such base feeling in the British people. They are accustomed to see their advantage in forwarding, not in keeping back, the growth in wealth and civilization of the world. The opposition to the Suez Canal has never been a national opposition. With their usual indifference to foreign affairs, the public in general have not thought about it, but have left it, as (unless when particularly excited) they leave all the management of their foreign policy, to those who, from causes and reasons connected only with internal politics, hap-

pen for the time to be in office. Whatever has been done in the name of England in the Suez affair has been the act of individuals; mainly, it is probable, of one individual; scarcely any of his countrymen either prompting or sharing his purpose, and most of those, who have paid any attention to the subject (unfortunately a very small number), being, to all appearance, opposed to him.

But (it is said) the scheme cannot be executed. If so, why concern ourselves about it? If the project can come to nothing, why profess gratuitous immorality and incur gratuitous odium to prevent it from being tried? Whether it will succeed or fail is a consideration totally irrelevant; except thus far, that, if it is sure to fail, there is in our resistance to it the same immorality, and an additional amount of folly; since, on that supposition, we are parading to the world a belief that our interest is inconsistent with its good; while, if the failure of the project would really be any benefit to us, we are certain of obtaining that benefit by merely holding our peace.

As a matter of private opinion, the present writer, so far as he has looked into the evidence, inclines to agree with those who think that the scheme cannot be executed, at least by the means and with the funds proposed. But this is a consideration for the shareholders. The British Government does not deem it any part of its business to prevent individuals, even British citizens, from wasting their own money in unsuccessful speculations, though holding out no prospect of great public usefulness in the event of success; and if, though at the cost of their own property, they acted as pioneers



to others, and the scheme, though a losing one to those who first undertook it, should, in the same or in other hands, realize the full expected amount of ultimate benefit to the world at large, it would not be the first nor the hundredth time that an unprofitable enterprise has had this for its final result.

There seems to be no little need that the whole doctrine of non-interference with foreign nations should be reconsidered, if it can be said to have as yet been considered as a really moral question at all. We have heard something lately about being willing to go to war for an idea. To go to war for an idea, if the war is aggressive, not defensive, is as criminal as to go to war for territory or revenue; for it is as little justifiable to force our ideas on other people as to compel them to submit to our will in any other respect. But there assuredly are cases in which it is allowable to go to war, without having been ourselves attacked, or threatened with attack; and it is very important that nations should make up their minds in time as to what these cases are. There are few questions which more require to be taken in hand by ethical and political philosophers, with a view to establish some rule or criterion whereby the justifiableness of intervening in the affairs of other countries, and (what is sometimes fully as questionable) the justifiableness of refraining from intervention, may be brought to a definite and rational test. Whoever attempts this will be led to recognize more than one fundamental distinction, not yet by any means familiar to the public mind, and, in general, quite lost sight of by those who write in strains of indignant morality on the

subject. There is a great difference (for example) between the case in which the nations concerned are of the same, or something like the same, degree of civilization, and that in which one of the parties to the situation is of a high, and the other of a very low, grade of social improvement. To suppose that the same international customs, and the same rules of international morality, can obtain between one civilized nation and another, and between civilized nations and barbarians, is a grave error, and one which no statesman can fall into, however it may be with those, who, from a safe and irresponsible position, criticise statesmen. Among many reasons why the same rules cannot be applicable to situations so different, the two following are among the most important. In the first place, the rules of ordinary international morality imply reciprocity. But barbarians will not reciprocate. They cannot be depended on for observing any rules. Their minds are not capable of so great an effort, nor their will sufficiently under the influence of distant motives. In the next place, nations which are still barbarous have not got beyond the period during which it is likely to be for their benefit that they should be conquered and held in subjection by foreigners. Independence and nationality, so essential to the due growth and development of a people further advanced in improvement, are generally impediments to theirs. The sacred duties which civilized nations owe to the independence and nationality of each other are not binding towards those to whom nationality and independence are either a certain evil, or, at best, a questionable good. The Romans were not the most clean-handed of conquerors; yet

would it have been better for Gaul and Spain, Numidia and Dacia, never to have formed part of the Roman Empire? To characterize any conduct whatever towards a barbarous people as a violation of the law of nations, only shows that he who so speaks has never considered the subject. A violation of great principles of morality it may easily be; but barbarians have no rights as a *nation*, except a right to such treatment as may, at the earliest possible period, fit them for becoming one. The only moral laws for the relation between a civilized and a barbarous government are the universal rules of morality between man and man.

The criticisms, therefore, which are so often made upon the conduct of the French in Algeria, or of the English in India, proceed, it would seem, mostly on a wrong principle. The true standard by which to judge their proceedings never having been laid down, they escape such comment and censure as might really have an improving effect; while they are tried by a standard which can have no influence on those practically engaged in such transactions, knowing as they do that it cannot, and, if it could, ought not to be observed, because no human being would be the better, and many much the worse, for its observance. A civilized government cannot help having barbarous neighbors: when it has, it cannot always content itself with a defensive position,—one of mere resistance to aggression. After a longer or shorter interval of forbearance, it either finds itself obliged to conquer them, or to assert so much authority over them, and so break their spirit, that they gradually sink into a state of dependence upon itself; and, when

that time arrives, they are indeed no longer formidable to it, but it has had so much to do with setting up and pulling down their governments, and they have grown so accustomed to lean on it, that it has become morally responsible for all evil it allows them to do. This is the history of the relations of the British Government with the native States of India. It never was secure in its own Indian possessions until it had reduced the military power of those States to a nullity. But a despotic government only exists by its military power. When we had taken away theirs, we were forced, by the necessity of the case, to offer them ours instead of it. To enable them to dispense with large armies of their own, we bound ourselves to place at their disposal, and they bound themselves to receive, such an amount of military force as made us, in fact, masters of the country. We engaged that this force should fulfil the purposes of a force, by defending the prince against all foreign and internal enemies. But being thus assured of the protection of a civilized power, and freed from the fear of internal rebellion or foreign conquest, — the only checks which either restrain the passions or keep any vigor in the character of an Asiatic despot, — the native governments either became so oppressive and extortionate as to desolate the country, or fell into such a state of nerveless imbecility, that every one subject to their will, who had not the means of defending himself by his own armed followers, was the prey of anybody who had a band of ruffians in his pay. The British Government felt this deplorable state of things to be its own work; being the direct consequence of the position in which, for its own security, it had placed itself towards the

native governments. Had it permitted this to go on indefinitely, it would have deserved to be accounted among the worst political malefactors. In some cases (unhappily not in all), it had endeavored to take precaution against these mischiefs by a special article in the treaty, binding the prince to reform his administration, and in future to govern in conformity to the advice of the British Government. Among the treaties in which a provision of this sort had been inserted was that with Oude. For fifty years and more did the British Government allow this engagement to be treated with entire disregard, — not without frequent remonstrances, and occasionally threats, but without ever carrying into effect what it threatened. During this period of half a century, England was morally accountable for a mixture of tyranny and anarchy, the picture of which, by men who knew it well, is appalling to all who read it. The act by which the Government of British India at last set aside treaties which had been so pertinaciously violated, and assumed the power of fulfilling the obligation it had so long before incurred, of giving to the people of Oude a tolerable government, far from being the political crime it is so often ignorantly called, was a criminally tardy discharge of an imperative duty. And the fact, that nothing which had been done in all this century by the East-India Company's Government made it so unpopular in England, is one of the most striking instances of what was noticed in a former part of this article, — the predisposition of English public opinion to look unfavorably upon every act by which territory or revenues are acquired from foreign States, and to take part with any government,

however unworthy, which can make out the merest semblance of a case of injustice against our own country.

But among civilized peoples, members of an equal community of nations, like Christian Europe, the question assumes another aspect, and must be decided on totally different principles. It would be an affront to the reader to discuss the immorality of wars of conquest, or of conquest even as the consequence of lawful war; the annexation of any civilized people to the dominion of another, unless by their own spontaneous election. Up to this point, there is no difference of opinion among honest people; nor on the wickedness of commencing an aggressive war for any interest of our own, except when necessary to avert from ourselves an obviously impending wrong. The disputed question is that of interfering in the regulation of another country's internal concerns,—the question whether a nation is justified in taking part, on either side, in the civil wars or party contests of another; and, chiefly, whether it may justifiably aid the people of another country in struggling for liberty; or may impose on a country any particular government or institutions, either as being best for the country itself, or as necessary for the security of its neighbors.

Of these cases, that of a people in arms for liberty is the only one of any nicety, or which, theoretically at least, is likely to present conflicting moral considerations. The other cases which have been mentioned hardly admit of discussion. Assistance to the government of a country in keeping down the people, unhappily by far the most frequent case of foreign intervention,

no one writing in a free country needs take the trouble of stigmatizing. A government which needs foreign support to enforce obedience from its own citizens is one which ought not to exist; and the assistance given to it by foreigners is hardly ever any thing but the sympathy of one despotism with another. A case requiring consideration is that of a protracted civil war, in which the contending parties are so equally balanced, that there is no probability of a speedy issue; or, if there is, the victorious side cannot hope to keep down the vanquished but by severities repugnant to humanity, and injurious to the permanent welfare of the country. In this exceptional case it seems now to be an admitted doctrine, that the neighboring nations, or one powerful neighbor with the acquiescence of the rest, are warranted in demanding that the contest shall cease, and a reconciliation take place on equitable terms of compromise. Intervention of this description has been repeatedly practised during the present generation, with such general approval, that its legitimacy may be considered to have passed into a maxim of what is called international law. The interference of the European Powers between Greece and Turkey, and between Turkey and Egypt, were cases in point. That between Holland and Belgium was still more so. The intervention of England in Portugal a few years ago, which is probably less remembered than the others, because it took effect without the employment of actual force, belongs to the same category. At the time, this interposition had the appearance of a bad and dishonest backing of the government against the people, being so timed as to hit the exact moment when the popular party had obtained a marked advantage, and seemed

on the eve of overthrowing the government, or reducing it to terms. But, if ever a political act which looked ill in the commencement could be justified by the event, this was : for, as the fact turned out, instead of giving ascendancy to a party, it proved a really healing measure ; and the chiefs of the so-called rebellion were, within a few years, the honored and successful ministers of the throne against which they had so lately fought.

With respect to the question, whether one country is justified in helping the people of another in a struggle against their government for free institutions, the answer will be different according as the yoke which the people are attempting to throw off is that of a purely native government, or of foreigners ; considering as one of foreigners every government which maintains itself by foreign support. When the contest is only with native rulers, and with such native strength as those rulers can enlist in their defence, the answer I should give to the question of the legitimacy of intervention is, as a general rule, No. The reason is, that there can seldom be any thing approaching to assurance, that intervention, even if successful, would be for the good of the people themselves. The only test possessing any real value, of a people's having become fit for popular institutions, is, that they, or a sufficient portion of them to prevail in the contest, are willing to brave labor and danger for their liberation. I know all that may be said. I know it may be urged, that the virtues of freemen cannot be learnt in the school of slavery ; and that, if a people are not fit for freedom, to have any chance of becoming so they must first be free. And this would be conclusive,



if the intervention recommended would really give them freedom. But the evil is, that, if they have not sufficient love of liberty to be able to wrest it from merely domestic oppressors, the liberty which is bestowed on them by other hands than their own will have nothing real, nothing permanent. No people ever was and remained free, but because it was determined to be so ; because neither its rulers nor any other party in the nation could compel it to be otherwise. If a people — especially one whose freedom has not yet become prescriptive — does not value it sufficiently to fight for it, and maintain it against any force which can be mustered *within* the country, even by those who have the command of the public revenue, it is only a question in how few years or months that people will be enslaved. Either the government which it has given to itself, or some military leader or knot of conspirators who contrive to subvert the government, will speedily put an end to all popular institutions ; unless, indeed, it suits their convenience better to leave them standing, and be content with reducing them to mere forms : for, unless the spirit of liberty is strong in a people, those who have the executive in their hands easily work *any* institutions to the purposes of despotism. There is no sure guaranty against this deplorable issue, even in a country which has achieved its own freedom ; as may be seen in the present day by striking examples both in the Old and New Worlds : but, when freedom has been achieved *for* them, they have little prospect indeed of escaping this fate. When a people has had the misfortune to be ruled by a government under which the feelings and the virtues needful for maintaining freedom

could not develop themselves, it is during an arduous struggle to become free by their own efforts that these feelings and virtues have the best chance of springing up. Men become attached to that which they have long fought for, and made sacrifices for ; they learn to appreciate that on which their thoughts have been much engaged ; and a contest in which many have been called on to devote themselves for their country is a school in which they learn to value their country's interest above their own.

It can seldom, therefore, — I will not go so far as to say never, — be either judicious or right, in a country which has a free government, to assist, otherwise than by the moral support of its opinion, the endeavors of another to extort the same blessing from its native rulers. We must except, of course, any case in which such assistance is a measure of legitimate self-defence. If (a contingency by no means unlikely to occur) this country, on account of its freedom, which is a standing reproach to despotism everywhere, and an encouragement to throw it off, should find itself menaced with attack by a coalition of Continental despots, it ought to consider the popular party in every nation of the Continent as its natural ally : the Liberals should be to it what the Protestants of Europe were to the Government of Queen Elizabeth. So, again, when a nation, in her own defence, has gone to war with a despot, and has had the rare good fortune, not only to succeed in her resistance, but to hold the conditions of peace in her own hands, she is entitled to say that she will make no treaty, unless with some other ruler than the one whose existence as such may be a perpetual menace to her safety

and freedom. These exceptions do but set in a clearer light the reasons of the rule ; because they do not depend on any failure of those reasons, but on considerations paramount to them, and coming under a different principle.

But the case of a people struggling against a foreign yoke, or against a native tyranny upheld by foreign arms, illustrates the reasons for non-intervention in an opposite way ; for, in this case, the reasons themselves do not exist. A people the most attached to freedom, the most capable of defending and of making a good use of free institutions, may be unable to contend successfully for them against the military strength of another nation much more powerful. To assist a people thus kept down is not to disturb the balance of forces on which the permanent maintenance of freedom in a country depends, but to redress that balance when it is already unfairly and violently disturbed. The doctrine of non-intervention, to be a legitimate principle of morality, must be accepted by all governments. The despots must consent to be bound by it as well as the free States. Unless they do, the profession of it by free countries comes but to this miserable issue, — that the wrong side may help the wrong, but the right must not help the right. Intervention to enforce non-intervention is always rightful, always moral, if not always prudent. Though it be a mistake to *give* freedom to a people who do not value the boon, it cannot but be right to insist, that, if they do value it, they shall not be hindered from the pursuit of it by foreign coercion. It might not have been right for England (even apart from the question of prudence) to have taken part with Hungary in

its noble struggle against Austria, although the Austrian Government in Hungary was in some sense a foreign yoke. But when, the Hungarians having shown themselves likely to prevail in this struggle, the Russian despot interposed, and, joining his force to that of Austria, delivered back the Hungarians, bound hand and foot, to their exasperated oppressors, it would have been an honorable and virtuous act on the part of England to have declared that this should not be; and that, if Russia gave assistance to the wrong side, England would aid the right. It might not have been consistent with the regard which every nation is bound to pay to its own safety for England to have taken up this position single-handed. But England and France together could have done it: and, if they had, the Russian armed intervention would never have taken place, or would have been disastrous to Russia alone; while all that those powers gained by not doing it was that they had to fight Russia five years afterwards, under more difficult circumstances, and without Hungary for an ally. The first nation, which, being powerful enough to make its voice effectual, has the spirit and courage to say that not a gun shall be fired in Europe by the soldiers of one power against the revolted subjects of another, will be the idol of the friends of freedom throughout Europe. That declaration alone will insure the almost immediate emancipation of every people which desires liberty sufficiently to be capable of maintaining it; and the nation which gives the word will soon find itself at the head of an alliance of free peoples, so strong as to defy the efforts of any number of confederated despots to bring it down. The prize is too glorious not to

be snatched sooner or later by some free country ; and the time may not be distant, when England, if she does not take this heroic part because of its heroism, will be compelled to take it from consideration for her own safety.

## THE SLAVE POWER.\*

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THIS volume has a twofold claim to attention,—on the author's account, and on its own. Mr. Cairnes, one of the ablest of the distinguished men who have given lustre to the much-calumniated Irish colleges, as well as to the chair of Political Economy, which Ireland owes to the enlightened public spirit of Archbishop Whately, is known to the thinking part of the public as the contributor to English periodicals of the clearest and most conclusive discussions which have yet appeared on some of the most disputed and difficult economical questions of the time. He has now, in a work of larger dimensions, given the result of the study, which, both as a first-rate political economist, and in the higher character of a moral and political philosopher, he has devoted to the American contest. A work more needed, or one better adapted to the need, could scarcely have been produced at the present time. It contains more than enough to give a new turn to English feeling on the subject, if those who guide and sway public opinion were ever

\* The Slave Power; its Character, Career, and Probable Designs: being an Attempt to explain the real Issues involved in the American Contest. By J. E. Cairnes, M A., Professor of Jurisprudence and Political Economy in Queen's College, Galway; and late Whately Professor of Political Economy in the University of Dublin. London: 1862.

Westminster Review, October, 1862.

likely to reconsider a question on which they have so deeply committed themselves. To all who are still open to conviction, it is an invaluable exposition both of the principles and the facts of the case. The last is as much required as the first ; for the strange partiality of the nation which most abhors negro slavery to those who are urging an internecine war solely for its propagation could not have existed for a moment, had there not been, not merely a complete misunderstanding of principles, but an utter ignorance of facts.

We believe that we shall, on the present occasion, do a better service to truth and right by helping to extend the knowledge of the contents of Mr. Cairnes's treatise than by any comments of our own. Mr. Cairnes opens up the question in so lucid and natural an order, and so exhausts it in all its more important aspects, that a mere condensation of his book would be the most powerful argumentative discourse on the subject which could well be given in the narrow compass of an article. Not that, as is the case with lax and diffuse writers, his argument gains by condensation : on the contrary, it loses greatly. In Mr. Cairnes's book there is nothing verbose, nothing superfluous ; the effect is nowhere weakened by expansion, nor the impression of the whole frittered away by undue expatiating on parts : the work is artistic as well as scientific, observing due proportion ; dwelling long enough, and not too long, on each portion of the subject, and passing to a new point exactly when the mind is prepared for it, by having completely appropriated those preceding. An attempt to convey the substance of such a composition in an abridged form may give some idea of the skeleton, but none of

the nerve and muscle : the greatest merit which it could have would be that of stimulating the reader to have recourse to Mr. Cairnes's own pages.

After sweeping away the idle notion, which never could have been entertained by any one conversant with even the surface of American history, that the quarrel is about tariffs, or any thing whatever except slavery, Mr. Cairnes proceeds to the main thesis of his book ; viz., that the Slave Power, whose character and aims are the cause of the American contest, is "the most formidable antagonist to civilized progress which has appeared for many centuries, representing a system of society at once retrograde and aggressive, — a system, which, containing within it no germs from which improvement can spring, gravitates inevitably towards barbarism, while it is impelled by exigencies inherent in its position and circumstances to a constant extension of its territorial domain." This is what a man of distinguished ability, who has deeply considered the subject, thinks of the new power, which England, by the moral influence of its opinion and sympathies, is helping to raise up. "The vastness," he continues, "of the interests at stake in the American contest, regarded under this aspect, appears to me to be very inadequately conceived in this country ; and the purpose of the present work is to bring forward this view of the case more prominently than has yet been done."

Accordingly, in the first place, Mr. Cairnes expounds the economic necessities under which the Slave Power is placed by its fundamental institution. Slavery, as an industrial system, is not capable of being everywhere profitable. It requires peculiar conditions. Originally



a common feature of all the Anglo-Saxon settlements in America, it took root and became permanent only in the southern portion of them. What is the explanation of this fact? Several causes have been assigned. One is, diversity of character in the original founders of those communities; New England having been principally colonized by the middle and poorer classes, Virginia and Carolina by the higher. The fact was so: but it goes a very little way towards the explanation of the phenomenon, since "it is certain the New-Englanders were not withheld from employing slaves by moral scruples;" and, if slave labor had been found suitable for the requirements of the country, they would, without doubt, have adopted it in fact, as they actually did in principle. Another common explanation of the different fortune of slavery in the Northern and in the Southern States is, that the Southern climate is not adapted to white laborers, and that negroes will not work without slavery. The latter half of this statement is opposed to fact. Negroes are willing to work wherever they have the natural inducements to it, inducements equally indispensable to the white race. The climate theory is inapplicable to the Border Slave States, — Kentucky, Virginia, and others, — whose climate "is remarkably genial, and perfectly suited to the industry of Europeans." Even in the Gulf States, the alleged fact is only true, as it is in all other parts of the world, of particular localities. The Southern States, it is observed by M. de Tocqueville, "are not hotter than the south of Italy and Spain." In Texas itself, there is a flourishing colony of free Germans, who carry on all the occupations of the country, growth of cotton included, by white labor;

and "nearly all the heavy out-door work in the city of New Orleans is performed by whites."

What the success or failure of slavery as an industrial system depends on is the adaptation of the productive industry of the country to the qualities and defects of slave labor. There are kinds of cultivation, which, even in tropical regions, cannot advantageously be carried on by slaves : there are others, in which, as a mere matter of profit, slave labor has the advantage over the only kind of free labor, which, as a matter of fact, comes into competition with it, — the labor of peasant proprietors.

The economic advantage of slave labor is, that it admits of complete organization : "it may be combined on an extensive scale, and directed by a controlling mind to a single end." Its defects are, that it is given reluctantly ; it is unskilful ; it is wanting in versatility. Being given reluctantly, it can only be depended on as long as the slave is watched ; but the cost of watching is too great if the workmen are dispersed over a widely extended area : their concentration, or, in other words, the employment of many workmen at the same time and place, is a condition *sine quâ non* of slavery as an industrial system ; while, to enable it to compete successfully with the intense industry and thrift of workmen who enjoy the entire fruits of their own labor, this concentration and combination of labor must be not merely possible, but also economically preferable. The second disadvantage of slave labor is that it is unskilful ; "not only because the slave, having no interest in his work, has no inducement to exert his higher faculties, but because, from the ignorance to which he is

of necessity condemned, he is incapable of doing so." This disqualification restricts the profitableness of slavery to the case of purely unskilled labor. "The slave is unsuited for all branches of industry which require the slightest care, forethought, or dexterity. He cannot be made to co-operate with machinery; he can only be trusted with the commonest implements; he is incapable of all but the rudest labor." The third defect of slave labor is but a form of the second, — its want of versatility. "The difficulty of teaching the slave any thing is so great, that the only chance of turning his labor to profit, is, when he has once learned a lesson, to keep him to that lesson for life. Where slaves, therefore, are employed, there can be no variety of production. If tobacco be cultivated, tobacco becomes the sole staple, and tobacco is produced, whatever be the state of the market, and whatever be the condition of the soil." All this, not as matter of theory merely, but of actual daily experience in the Southern States, is superabundantly proved, as Mr. Cairnes shows, by Southern testimony.

It follows, first, that slave labor is unsuited for manufactures, and can only, in competition with free labor, be profitably carried on in a community exclusively agricultural. Secondly, that, even among agricultural employments, it is unsuited to those in which the laborers are, or without great economical disadvantage can be, dispersed over a wide surface; among which are nearly all kinds of cereal cultivation, including the two great staples of the Free States, — maize and wheat. "A single laborer can cultivate twenty acres of wheat or Indian corn, while he cannot manage more than two

of tobacco, or three of cotton." Tobacco and cotton admit, therefore, the possibility of working large numbers within a limited space ; and, as they also benefit in a far greater degree than wheat or maize by combination and classification of labor, the characteristic advantage of slave labor is at the highest, while its greatest drawback, the high cost of superintendence, is reduced to the minimum. It is to these kinds of cultivation, together with sugar and rice, that, in America, slave labor is practically confined. Wherever, even in the Southern States, "the external conditions are especially favorable to cereal crops, as in parts of Virginia, Kentucky, and Missouri, and along the slopes of the Alleghanies, there slavery has always failed to maintain itself."

But a kind of cultivation suitable to it is not the only condition which the slave system requires in order to be economically profitable. It demands, in addition, an unlimited extent of highly fertile land. This arises from the other two infirmities of slave labor, — its unskilfulness, and its want of versatility. This point being of the very highest importance, and the foundation of the author's main argument, we give the statement of it in his own words : —

"When the soils are not of good quality, cultivation needs to be elaborate ; a larger capital is expended ; and, with the increase of capital, the processes become more varied, and the agricultural implements of a finer and more delicate construction. With such implements slaves cannot be trusted, and for such processes they are unfit. It is only, therefore, where the natural fertility of the soil is so great as to compensate for the inferiority of the cultivation, where nature does so much

as to leave little for art, and to supersede the necessity of the more difficult contrivances of industry, that slave labor can be turned to profitable account.

“Further: slavery, as a permanent system, has need not merely of a fertile soil, but of a practically unlimited extent of it. This arises from the defect of slave labor in point of versatility. As has been already remarked, the difficulty of teaching the slave any thing is so great,—the result of the compulsory ignorance in which he is kept, combined with want of intelligent interest in his work,—that the only chance of rendering his labor profitable, is, when he has once learned a lesson, to keep him to that lesson for life. Accordingly, where agricultural operations are carried on by slaves, the business of each gang is always restricted to the raising of a single product. Whatever crop be best suited to the character of the soil and the nature of slave industry, whether cotton, tobacco, sugar, or rice, that crop is cultivated, and that crop only. Rotation of crops is thus precluded by the conditions of the case. The soil is tasked again and again to yield the same product, and the inevitable result follows. After a short series of years, its fertility is completely exhausted; the planter abandons the ground which he has rendered worthless, and passes on to seek in new soils for that fertility under which alone the agencies at his disposal can be profitably employed.” — pp. 53–56.

Accordingly, the ruin, and in many cases the abandonment to nature, of what were once the most productive portions of the older Slave States, are facts palpable to the eye, admitted and loudly proclaimed by slaveholders. And hence, that pressing demand for the perpetual extension of the area of slavery, that never-ceasing tendency westward, and unceasing struggle for the opening of fresh regions to slave-owners and their

human property, which has grown with the growth of the cotton cultivation, and strengthened with its strength; which produced the seizure of Texas, the war with Mexico, the buccaneering expeditions to Central America, and the sanguinary contest for Kansas; which has been the one determining principle of Southern politics for the last quarter of a century; and because at last, though tardily, resisted by the North, has decided the Cotton States to break up the Union.

Such being the economic conditions of a slave community like those of the Southern States, the author proceeds to show how this economic system gives rise to a social and political organization tending in the highest degree to aggravate the evils which emanate originally from the economic system itself.

“The single merit of slave labor, as an industrial instrument, consists, as we have seen, in its capacity for organization, its susceptibility of being adjusted with precision to the kind of work to be done, and of being directed on a comprehensive plan towards some distinctly conceived end. Now, to give scope to this quality, the scale on which industry is carried on must be extensive; and, to carry on industry on an extensive scale, large capitals are required:” moreover, a capitalist employing slave labor requires funds sufficient not merely to maintain his slaves, but to purchase their fee-simple from the first. “Owing to these causes, large capitals are, relatively to small, more profitable, and are, at the same time, absolutely more required, in countries of slave than in countries of free labor. It happens, however, that capital is in slave countries a particularly scarce commodity, owing partly to the exclusion from such countries of many modes of creating it—manufactures and commerce, for example—which are open to free communities, and partly to what is also a consequence of the

institution, — the unthrifty habits of the upper classes. From this state of things result two phenomena, which may be regarded as typical of industry carried on by slaves, — the magnitude of the plantations, and the indebtedness of the planters. Wherever negro slavery has prevailed in modern times, these two phenomena will be found to exist. ‘Our wealthier planters,’ says Mr. Clay, ‘are buying out their poorer neighbors, extending their plantations, and adding to their slave force. The wealthy few, who are able to live on smaller profits, and to give their blasted fields some rest, are thus pushing off the many who are merely independent.’ At the same time, these wealthier planters are, it is well known, very generally in debt; the forthcoming crops being for the most part mortgaged to Northern capitalists, who make the needful advances, and who thus become the instruments by which a considerable proportion of the slave labor of the South is maintained. The tendency of things, therefore, in slave countries, is to a very unequal distribution of wealth. The large capitalists, having a steady advantage over their smaller competitors, engross, with the progress of time, a larger and larger proportion of the aggregate wealth of the country, and gradually acquire the control of its collective industry. Meantime, amongst the ascendant class, a condition of general indebtedness prevails.” — pp. 66–71.

Side by side with these great land and slave proprietors grows up a white *proletariat* of the worst kind, known in Southern phraseology as “mean whites,” or “white trash.” The vast districts (becoming, under the deteriorating effects of slave industry, constantly larger) which are surrendered to nature, and relapse into wilderness, —

“Become the resort of a numerous horde of people, who, too poor to keep slaves, and too proud to work, prefer a

vagrant and precarious life spent in the desert, to engaging in occupations which would associate them with the slaves whom they despise. In the Southern States, no less than five millions of human beings are now said to exist in this manner, in a condition little removed from savage life, eking out a wretched subsistence by hunting, by fishing, by hiring themselves out for occasional jobs, by plunder. Combining the restlessness and contempt for regular industry peculiar to the savage with the vices of the *proletaire* of civilized communities, these people make up a class at once degraded and dangerous; and, constantly re-enforced as they are by all that is idle, worthless, and lawless among the population of the neighboring States, form an inexhaustible preserve of ruffianism, ready at hand for all the worst purposes of Southern ambition. The planters complain of these people for their idleness, for corrupting their slaves, for their thievish propensities: but they cannot dispense with them; for in truth they perform an indispensable function in the economy of slave societies, of which they are at once the victims and the principal supporters. It is from their ranks that those filibustering expeditions are recruited, which have been found so effective an instrument in extending the domain of the Slave Power: they furnish the 'Border Ruffians,' who, in the colonization struggle with the Northern States, contend with Free-soilers on the Territories; and it is to their antipathy to the negroes that the planters securely trust for repressing every attempt at servile insurrection." — pp. 75-76.

Such, then, is the constitution of society in the Slave States: "it resolves itself into three classes,—the slaves, on whom devolves all the regular industry; the slaveholders, who reap all its fruits; and an idle and lawless rabble, who live dispersed over vast plains in a condition little removed from absolute barbarism." Of a society



thus composed, the political structure is determined by an inexorable law.

“When the whole wealth of a country is monopolized by a thirtieth part of its population, while the remainder are, by physical or moral causes, consigned to compulsory poverty and ignorance; when the persons composing the privileged thirtieth part are all engaged in pursuits of the same kind, subject to the influence of the same moral ideas, and identified with the maintenance of the same species of property,—political power will of necessity reside with those in whom centre the elements of such power,—wealth, knowledge, and intelligence,—the small minority for whose exclusive benefit the system exists. The polity of such a society must thus, in essence, be an oligarchy, whatever be the particular mould in which it is cast. Nor is this all. A society so organized tends to develop with a peculiar intensity the distinctive vices of an oligarchy. In a country of free labor, whatever be the form of government to which it is subject, the pursuits of industry are various. Various interests, therefore, take root, and parties grow up, which, regarding national questions from various points of view, become centres of opposition, whether against the undue pretensions of any one of their number, or against those of a single ruler. It is not so in the Slave States. That variety of interests which springs from the individual impulses of a free population does not here exist. The elements of a political opposition are wanting. There is but one party, but one set of men who are capable of acting together in political concert. The rest is an undisciplined rabble. From this state of things the only possible result is that which we find,—a despotism, in the last degree unscrupulous and impatient of control, wielded by the wealthy few. . . .

“To sum up in a few words the general results of the foregoing discussion: the Slave Power—that power which has long held the helm of government in the Union—is

under the forms of a democracy, an uncontrolled despotism wielded by a compact oligarchy. Supported by the labor of four millions of slaves, it rules a population of five millions of whites,—a population ignorant, averse to systematic industry, and prone to irregular adventure. A system of society more formidable for evil, more menacing to the best interests of the human race, it is difficult to conceive.”—pp. 85 to 87, and 92.

Are there, in the social and political system which has now been characterized, any elements of improvement,—any qualities which leave room for a reasonable hope of the ultimate, however gradual, correction of its inherent evils? Mr. Cairnes has conclusively shown, that the very reverse is the case. Instead of raising themselves to the level of free societies, these communities are urged by the most imperious motives to drag down, if possible, free societies to the level of themselves.

It may be thought, perhaps, that American slavery will, from merely natural causes, share the fate of slavery elsewhere. The institution of slavery was once universal, but mankind have nevertheless improved: the most progressive communities in the ancient and modern world—the Greeks, Romans, Hebrews, mediæval Europeans—have been afflicted with this scourge, but, by the natural progress of improvement, have got rid of it. And why, it may be said, should not this also happen in the Southern States? and, if so, would not an attempt to anticipate this natural progress, and make emancipation move forward more rapidly than the preparation for it, be full of mischief even to the oppressed race itself?

Mr. Cairnes feels all the importance of this question ; and no part of his book is more instructive or more masterly than the chapter in which he grapples with it. He shows that "between slavery as it existed in classical and mediæval times, and the system which now erects itself defiantly in North America," there are such deep-seated distinctions as render the analogy of the one entirely inapplicable to the other.

The first distinction is the vital fact of the difference in color between modern slaves and their masters. In the ancient world, slaves, once freed, became an integral part of free society : their descendants not only were not a class apart, but were the main source from which the members of the free community were recruited ; and no obstacle, legal or moral, existed to their attainment of the highest social positions. In America, on the contrary, the freed slave transmits the external brand of his past degradation to all his descendants. However worthy of freedom, they bear an awkward mark which prevents them from becoming imperceptibly blended with the mass of the free ; and, while that odious association lasts, it forms a great additional hinderance to the enfranchisement, by their masters, of those whom, even when enfranchised, the masters cannot endure to look upon as their fellow-citizens.

But another difference between ancient and modern slavery, which still more intimately affects the question under discussion, arises from the immense development of international commerce in modern times.

"So long as each nation was in the main dependent on the industry of its own members for the supply of its wants, a

strong motive would be present for the cultivation of the intelligence, and the improvement of the condition, of the industrial classes. The commodities which minister to comfort and luxury cannot be produced without skilled labor; and skilled labor implies a certain degree of mental cultivation, and a certain progress in social respect. To attain success in the more difficult industrial arts, the workman must respect his vocation, must take an interest in his task; habits of care, deliberation, forethought, must be acquired; in short, there must be such a general awakening of the faculties, intellectual and moral, as, by leading men to a knowledge of their rights and of the means of enforcing them, inevitably disqualifies them for the servile condition. Now, this was the position in which the slave-master found himself in the ancient world. He was, in the main, dependent on the skill of his slaves for obtaining whatever he required. He was, therefore, naturally led to cultivate the faculties of his slaves, and by consequence to promote generally the improvement of their condition. His progress in the enjoyment of the material advantages of civilization depended directly upon *their* progress in knowledge and social consideration. Accordingly, the education of slaves was never prohibited in the ancient Roman world; and, in point of fact, no small number of them enjoyed the advantage of a high cultivation. 'The youths of promising genius,' says Gibbon, 'were instructed in the arts and sciences; and almost every profession, liberal and mechanical, might be found in the household of an opulent senator.' Modern slaveholders, on the contrary, are independent of the skill, and therefore of the intelligence and social improvement, of their slave population. They have only need to find a commodity which is capable of being produced by crude labor, and at the same time in large demand in the markets of the world; and, by applying their slaves to the production of this, they may, through an exchange with other countries, make it the means of procuring for themselves whatever they require. Cotton

and sugar, for example, are commodities which fulfil these conditions: they may be raised by crude labor, and they are in large demand throughout the world. Accordingly, Alabama and Louisiana have only to employ their slaves in raising these products, and they are enabled through their means to command the industrial resources of all commercial nations. Without cultivating one of the arts or refinements of civilization, they can possess themselves of all its material comforts. Without employing an artisan, a manufacturer, a skilled laborer of any sort, they can secure the products of the highest manufacturing and mechanical skill." — pp. 100–103.

There being thus no inducements *for* cultivating the intelligence of slaves, the mighty motives which always exist *against* suffering it to be cultivated have had full play; and, in all the principal Slave States, teaching a slave to read or write is rigorously prohibited, under most severe penalties both to the teacher and the taught.

There is yet another important distinction between slavery in ancient and in modern times; namely, "the place which the slave-trade fills in the organization of modern slavery. Trading in slaves was doubtless practised by the ancients, and with sufficient barbarity. But we look in vain in the records of antiquity for a traffic, which in extent, in systematic character, and, above all, in the function discharged by it as the common support of countries breeding and consuming human labor, can with justice be regarded as the analogue of the modern slave-trade, — of that organized system which has been carried on between Guinea and the coast of America; and of that between Virginia, the Guinea of the New World, and the slave-consuming States of

the South and West." The barbarous inhumanity of the slave-trade has long been understood ; but what has not been so often noticed is the mode in which it operates in giving increased coherence and stability to the system of which it is a part,—first, " by bringing the resources of salubrious countries to supplement the waste of human life in torrid regions ; and, secondly, by providing a new source of profit for slaveholders, which enables them to keep up the institution, when, in the absence of this resource, it would become unprofitable, and disappear." Thus, in Virginia, when slavery, by exhausting the soil, had eaten away its own profits, and the recolonization of the State by free settlers had actually begun, came suddenly the prohibition of the African slave-trade, and nearly at the same time the vast enlargement of the field for slave labor by the purchase of Louisiana ; and these two events made slavery in Virginia again profitable, as a means of breeding slaves for exportation and sale to the South.

It is through the existence of this abundant breeding-ground for slaves, which enables their number to be kept up and increased, in the face of the most frightful mortality in the places to which they are sent, that slavery is enabled, as it exhausts old lands, to move on to new ones, preventing that condensation of population, which, by depriving the " mean whites " of the means of subsisting without regular work, might render them efficient workmen, instead of, as they now are, " more inefficient, more unreliable, more unmanageable " than even the slaves, and so might gradually effect the substitution of free for slave labor. The consequence is, that population under these institutions increases only

by dispersion. Fifteen persons to the square mile are its maximum density in the really slave countries: a state of things under which "popular education becomes impracticable; roads, canals, railways, must be losing speculations" (in South Carolina, "a train has been known to travel a hundred miles with a single passenger"); all civilizing agencies, all powers capable of making improvement penetrate the mass of the poor white population, are wanting.

There remain, as a source from which the regeneration of slave society is to be looked for, the slave-owners themselves: the chance, whatever it may be, that these may be induced, without external compulsion, to free their slaves, or take some measure, great or small, to prepare the slaves for freedom. An individual here and there may be virtuous enough to do this, if the general sentiment of those by whom he is surrounded will allow him: but no one, we suppose, is simple enough to expect this sacrifice from the entire ruling class of a nation; least of all from the ruling class in the Slave States, with whom the maintenance of slavery has become a matter of social pride and political ambition as much as of pecuniary interest. "It is not simply as a productive instrument that slavery is valued by its supporters. It is far rather for its social and political results, as the means of upholding a form of society in which slaveholders are the sole depositaries of social prestige and political power, as the corner-stone of an edifice of which they are the masters, that the system is prized. Abolish slavery, and you introduce a new order of things, in which the ascendancy of the men who now rule the South would be at end. An immigration of

new men would set in rapidly from various quarters. The planters and their adherents would soon be placed in a hopeless minority in their old dominions. New interests would take root, and grow ; new social ideas would germinate ; new political combinations would be formed ; and the power and hopes of the party which has long swayed the politics of the Union, and which now seeks to break loose from that Union in order to secure a free career for the accomplishment of bolder designs, would be gone for ever." Accordingly, the South has advanced, from the modest apologies for slavery of a generation ago, to loudly vaunting it as a moral, civilizing, and every way wholesome institution ; the fit condition not only for negroes, but for the laboring classes of all countries ; nay, as an ordinance of God, and a sacred deposit providentially intrusted to the keeping of the Southern Americans, for preservation and extension.

The energies of the Southern rulers have long been devoted to protecting themselves against the economical inconveniences of slavery in a manner directly the reverse of either its extinction or its mitigation. To obtain for it an ever-wider field is the sole aim of their policy, and, as they are firmly persuaded, the condition of their social existence. "There is not a slaveholder," says Judge Warner of Georgia (and, in saying this, he only expressed the general sentiment), "in this house or out of it, but who knows perfectly well, that, whenever slavery is confined within certain specified limits, its future existence is doomed : it is only a question of time as to its final destruction. You may take any single slaveholding county in the Southern States, in which



the great staples of cotton and sugar are cultivated to any extent, and confine the present slave population within the limits of that county. Such is the rapid natural increase of the slaves, and the rapid exhaustion of the soil in the cultivation of those crops (which add so much to the commercial wealth of the country), that, in a few years, it would be impossible to support them within the limits of such county. Both master and slave would be starved out; and what would be the practical effect in any one county, the same result would happen to all the slaveholding States. Slavery cannot be confined within certain limits without producing the destruction of both master and slave: it requires fresh lands, plenty of wood and water, not only for the comfort and happiness of the slave, but for the benefit of the owner." And this is the doctrine of the *advocates* of slavery! What, to any mind but that of a slaveholder, would seem at once the *reductio ad absurdum* and the bitterest moral satire on slavery, is by them brought forward — such is the state of their minds — as an unanswerable argument for bringing fresh territory under it as fast as it exhausts the old, until, we suppose, all the remaining soil of our planet is used up and depopulated.

Even were they not prompted to this aggressive ambition by pecuniary interest, they would have a sufficient inducement to it in the passions which are the natural growth of slave society. "That which the necessity for fresh soils is to the political economy of such communities, a lust of power is to their morality. The slaveholder lives from infancy in an atmosphere of despotism. He sees around him none but abject creatures,

who, under fearful penalties to be inflicted by himself, are bound to do his slightest, his most unreasonable bidding." The commerce between master and slave, in the words of Jefferson, himself born and bred a slave-owner, "is a perpetual exercise of the most boisterous passions, — the most unremitting despotism on the one hand, and degrading submission on the other. Our children see this, and learn to imitate it. The parent storms; the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose to the worst passions; and, thus nursed, educated, and daily exercised in tyranny, cannot but be stamped with its odious peculiarities." The arrogance, self-will, and impatience of restraint, which are the natural fruits of the situation, and with which the Southern-American character in all its manifestations is deeply stamped, suffice of themselves to make the slaveholding class throw all their pride and self-importance into the maintenance, extension, and exaltation of their "peculiar institution;" the more, because the institution and its upholders are generally reprobated by mankind, and because they have to defy the opinion of free nations, and may have to resist the exertion of their physical power.

Hence it is that the politicians of the Slave States have devoted themselves, with the ardor of fanaticism, to acquiring, by fair means or foul, ascendancy in the politics of the Union, in order that they might employ that ascendancy in gaining territory for the formation of new Slave States; and again to create more and more Slave States, in order to maintain their ascendancy in the Union. Mr. Cairnes has traced with a vigorous

hand the history of these efforts : the struggle between freedom and slavery for the possession of Missouri ; the compromise by which that new State was given up to slavery, on condition that no future Slave State should be created north of the parallel  $36^{\circ} 30'$  of north latitude ; the filibustering occupation of Texas, in order to detach it from Mexico, — its annexation to the Union by means of slavery ascendancy, and the war with Mexico for the acquisition of more slave territory ; the Missouri Compromise, as soon as all its fruits had been reaped, discovered to be unconstitutional, and repudiated, the principle next set up being "squatter sovereignty" (the doctrine that Congress could not legislate for the Territories, and that the first inhabitants had the right to decide whether they would allow slavery or not) ; the Northern Territories consequently opened to slavery, and the race which followed between Northern and Southern occupants for the possession of Kansas ; a slavery constitution for Kansas voted at the rifle's point by bands of "Border Ruffians" from the South, who did not even intend to settle in the territory ; when this nefarious proceeding was frustrated by the crowds of free settlers who flocked in from the North, and refused to be bound by the fictitious constitution, the principle of squatter sovereignty also repudiated, since it had failed to effect Southern objects, and the doctrine set up that slavery exists *ipso jure* in all the Territories, and that not even the settlers themselves could make it illegal ; and finally a decision obtained from the highest tribunal of the United States (which Southern influence had succeeded in filling with Southern lawyers), by which not only this monstrous principle was affirmed,

but the right of a slavemaster was recognized to carry his slaves with him to any part of the Free States, and hold them there, any local law to the contrary notwithstanding. This was the one step too much in the otherwise well-planned progress of the Southern conspiracy. At this point, the Northern allies, by whose help alone they could command a majority in the councils of the Federation, fell off from them. The defeat of the Southern candidate for the Presidency followed as a consequence; and this first check to the aggressive and advancing movement of slavery was the signal for secession and civil war. Well may Mr. Cairnes say that this series of events "is one of the most striking and alarming episodes in modern history, and furnishes a remarkable example of what a small body of men may effect against the most vital interests of human society, when, thoroughly understanding their position and its requirements, they devote themselves, deliberately, resolutely, and unscrupulously, to the accomplishment of their ends."

Should these conspirators succeed in making good their independence, and possessing themselves of a part of the Territories, being those which are in immediate contact with Mexico, nothing is to be expected but the spread of the institution by conquest (unless prevented by some European power) over that vast country, and ultimately over all Spanish America, and, if circumstances permit, the conquest and annexation of the West Indies; while so vast an extension of the field for the employment of slaves would raise up a demand for more, which would in all probability lead to that reopening of the African slave-trade, the legitimacy and

necessity of which have long been publicly asserted by many organs of the South. Such are the issues to humanity which are at stake in the present contest between free and slaveholding America; and such is the cause to which a majority of English writers, and of Englishmen who have the ear of the public, have given the support of their sympathies.

What is the meaning of this? Why does the English nation, which has made itself memorable to all time as the destroyer of negro slavery, which has shrunk from no sacrifices to free its own character from that odious stain, and to close all the countries of the world against the slave merchant, — why is it that the nation which is at the head of Abolitionism not only feels no sympathy with those who are fighting against the slaveholding conspiracy, but actually desires its success? Why is the general voice of our press, the general sentiment of our people, bitterly reproachful to the North, while for the South, the aggressors in the war, we have either mild apologies or direct and downright encouragement, and this not only from the Tory and anti-democratic camp, but from Liberals, or *soi-disant* such?

This strange perversion of feeling prevails nowhere else. The public of France, and of the Continent generally, at all events the Liberal part of it, saw at once on which side were justice and moral principle, and gave its sympathies consistently and steadily for the North. Why is England an exception? Several causes may be assigned, none of them honorable to this country, though some, more than others, may seem to make the aberration excusable.

In the first place, it must, we fear, be admitted that the antislavery feeling in England, though quite real, is no longer, in point of intensity, what it was. We do not ascribe this to any degeneracy in the public mind. It is because the work, so far as it specially concerns England, is done. Strong feeling on any practical subject is only kept up by constant exercise. A new generation has grown up since the great victory of slavery abolition, composed of persons whose ardor in the cause has never been wrought upon and strung up by contest. The public of the present day think as their fathers did concerning slavery ; but their feelings have not been in the same degree roused against its enormities. Their minds have been employed, and their feelings excited, on other topics, on which there still remained, as it might seem, more to be done. Slavery has receded into the background of their mental prospect : it stands, to most of them, as a mere name,—the name of one social evil among many others ; not as, what in truth it is, the summing-up and concentration of them all ; the stronghold in which the principle of tyrannical power, elsewhere only militant, reigns triumphant.

It must be remembered, too, that, though the English public are averse to slavery, several of the political and literary organs which have most influence over the public are decidedly not so. For many years, the "Times" has taken every opportunity of throwing cold water, as far as decency permitted, on the cause of the negro : had its attempts succeeded, the African squadron would have been withdrawn, and the effort so long and honorably persisted in by England, to close the negro coast against the man-stealer, would have been ignominiously

abandoned. Another of the misleaders of opinion on this subject, more intellectual in its aims, and addressing itself to a more intellectual audience, has been from its first origin, however Liberal on the surface, imbued with a deeply seated Tory feeling, which makes it prefer even slavery to democratic equality; and it never loses an opportunity of saying a word for slavery, and palliating its evils.

The most operative cause, however, of the wrong direction taken on the American question by English feeling, is the general belief that Americans are hostile to England, and long to insult and humble her if they had but an opportunity; and the accumulated resentment left by a number of small diplomatic collisions, in which America has carried herself with a high hand, has bullied and blustered, or her press has bullied and blustered for her, and in which, through the reluctance of England to push matters to extremities which do not vitally concern the national honor, bullying and blustering have been allowed to prevail. The facts are too true; but it has not been sufficiently considered, that the most foul-mouthed enemies of England in the American press and in Congress were Southern men, and men in the Southern interest; and that the offensive tone and encroaching policy of the Federal Government were the tone and policy of a succession of governments created by the South, and entirely under Southern influence. If some bitterness towards England has shown itself rather widely among the Northern people since the commencement of the war, and has been ministered to in their usual style by the hacks of the newspaper-press, it must be said, in excuse, that

they were smarting under disappointed hopes ; that they had found only rebuke where they felt that they deserved, and had counted upon finding, sympathy, and when sympathy would have been of the utmost importance to their cause. "If England had but sympathized with us now," said recently to us one of the first of American writers, "it would have united the two nations almost to the end of time."

But none of these causes would have accounted for the sad aberration of English feeling at this momentous crisis, had they not been combined with an almost total ignorance respecting the antecedents of the struggle. England pays a heavy price for its neglect of general cotemporary history, and inattention to what takes place in foreign countries. The English people did not know the past career or the present policy and purposes of the Slave Power. They did not, nor do they yet, know that the object, the avowed object, of secession was the indefinite extension of slavery ; that the sole grievance alleged by the South consisted in being thwarted in this ; that the resistance of the North was resistance to the spread of slavery, — the aim of the North its confinement within its present bounds, which, in the opinion of the slave-owners themselves, insures its gradual extinction, and which is the only means whereby the extinction *can* be gradual. The ignorance of the public was shared by the Foreign Minister, whose official attitude in reference to the contest has been every thing which it ought to be, but who did unspeakable mischief by the extra official opinion, so often quoted, that the Southern States are in arms for independence, the Northern for dominion.



When this was the view taken of the contest in the quarter supposed to be best informed, what could be expected from the public? Could they fail to bestow their sympathies on the side, which, they were told from authority, was fighting for the common right of mankind to a government of their choice, while the other had armed itself for the wicked purpose of exercising power over others against their will? The moral relations of the two parties are misplaced, are almost reversed, in Earl Russell's dictum. Could we consent to overlook the fact, that the South are fighting for, and the North against, the most odious form of unjust dominion which ever existed; could we forget the slaves, and view the question as one between two white populations,—even then, who, we ask, are fighting for dominion, if not those, who, having always before succeeded in domineering, break off from the Union at the first moment when they find that they can domineer no longer? Did ever any other section of a nation break through the solemn contract which united them with the rest, for no reason but that they were defeated in an election? It is true indeed, and they are welcome to the admission, that a very serious interest of the slave-owning oligarchy depended on retaining the power to domineer. They had at stake, not dominion only, but the profits of dominion; and those profits were, that the propagation of slavery might be without limit, instead of being circumscribed within the vast unoccupied space already included in the limits of the Slave States, being about half of their entire extent.

But, if the South are fighting for slavery, the North, we are told, are, at all events, not fighting against it :

their sole object in the struggle is the preservation of the Union.

And, if it were so, is there any thing so very unjustifiable in resisting, even by arms, the dismemberment of their country? Does public morality require that the United States should abdicate the character of a nation, and be ready at the first summons to allow any discontented section to dissever itself from the rest by a single vote of a local majority, fictitious or real, taken without any established form or public guaranty for its genuineness and deliberateness? This would be to authorize any State, or part of a State, in a mere fit of ill-temper, or under the temporary influence of intriguing politicians, to detach itself from the Union, and perhaps unite itself to some hostile power; and the end would probably be to break down the Union, from one of the great nations of the world, into as many petty republics as there are States, with lines of custom-houses all round their frontiers, and standing armies always kept up in strength to protect them against their nearest neighbors.

It is so new a thing to consider questions of national morality from the point of view of nations, instead of exclusively from that of rulers, that the conditions have not yet been defined under which it is the duty of an established government to succumb to a manifestation of hostile feeling by a portion, greater or smaller, of its citizens. Until some rule or maxim shall have grown up to govern this subject, no government is expected or bound to yield to a rebellion until after a fair trial of strength in the field. Were it not for the certainty of opposition, and the heavy penalties of failure, revolt

would be as frequent a fact as it is now an unfrequent ; rebellions would be attempted, not as they now are, in cases of almost unanimous discontent, but as often as any object was sought, or offence taken, by the smallest section of the community.

Would the Government or people of the United Kingdom accept for themselves this rule of duty? Would they look on quietly, and see the kingdom dismembered? They might renounce transmarine possessions, which they hold only as dependencies, which they care little for, and with which they are neither connected by interest nor by neighborhood ; but would England acquiesce, without fighting, in the separation of Ireland or Scotland? and would she be required to do so by any recognized obligation of public morality?

Putting at the very lowest the inducements which can be supposed to have instigated the people of the Northern States to rush into the field with nearly all their available population, and pledge the collective wealth of the country to an unparalleled extent, in order to maintain its integrity : it might still be thought that a people, who were supposed to care for nothing in comparison with the "almighty dollar," ought to have some credit given them for showing, by such decisive proofs, that they are capable of sacrificing that and every thing else to a patriotic impulse. It might have been supposed, too, that, even had their motives been wholly selfish, all good men would have wished them success when they were fighting for the right ; and, considering what it was that they were fighting against, might have been glad that even selfish motives had induced one great nation to shed its blood and expend its substance in

doing battle against a monster evil, which the other nations, from the height of their disinterested morality, would have allowed to grow up unchecked, until the consequences came home to themselves.

But such a view of the motives of the Northern Americans would be a flagrant injustice to them. True, the feeling which made the heroic impulse pervade the whole country, and descend to the least enlightened classes, was the desire to uphold the Union. But not the Union simply. Had they consented to give up the Northern interpretation of the pact, had they yielded to the Supreme Court's Southern exposition of it, they would have won back the South to the Federation by an unanimous voice. It was because they valued something else even more highly than the Union, that the Union was ever in a position in which it had to be fought for. The North fights for the Union, but the Union under conditions which deprive the Slave Power of its pernicious ascendancy. People talk as if to support the existing Constitution were synonymous with altogether abandoning emancipation, and "giving guaranties to slavery." Nothing of the sort. The Constitution guarantees slavery against nothing but the interference of Congress to legislate for the legally constituted Slave States. Such legislation, in the opinion equally of North and South, is neither the only, nor the best, nor the most effectual mode of getting rid of slavery. The North may indeed be driven to it; and, in the opinion of near observers, is moving rapidly towards that issue. Mr. Russell, in his letters to the "Times," was constantly reiterating that the war would before long become an abolition war; and Mr. Dicey,

the latest traveller in America who has published his impressions, and whose book should be in every one's hand, says that this predicted consummation is now rapidly drawing near, through the conviction, becoming general in the North, that slavery and the Union are incompatible. But the Federal Government was bound to keep within the Federal Constitution ; and what that could be done against slavery, consistently with the Constitution, has it left undone ? The District of Columbia was constitutionally under the authority of Congress : Congress have abolished slavery in that district, granting compensation. They have offered liberal pecuniary assistance to any Slave State which will take measures for either immediately or gradually emancipating its slaves. They have admitted Western Virginia into the Union as a State, under a provision that all children born after a certain day of 1863 shall be born free. They have concluded a treaty with England for the better suppression of the slave-trade ; conceding, what all former American Governments have so obstinately resisted, the right of search. And, what is more important than all, they have, by a legislative act, prohibited slavery in the Territories. No human being can henceforth be held in bondage in any possession of the United States which has not yet been erected into a State. A barrier is thus set to all further extension of the legal area of slavery within the dominion of the United States. These things have the United States done, in opposition to the opinion of the Border States which are still true to their allegiance, at the risk of irretrievably offending those States, and deciding them to go over to the enemy. What could the party now dominant in the United

States have done more, to prove the sincerity of its aversion to slavery, and its purpose to get rid of it by all lawful means?

And these means would, in all probability, suffice for the object. To prevent the extension of slavery, is, in the general opinion of slaveholders, to insure its extinction. It is, at any rate, the only means by which that object can be effected through the interest of the slaveholders themselves. If peaceful and gradual is preferable to sudden and violent emancipation (which we grant may in the present case be doubtful), this is the mode in which alone it can be effected. Further colonization by slaves and slavemasters being rendered impossible, the process of exhausting the lands fitted for slave cultivation would either continue, or would be arrested. If it continue, the prosperity of the country will progressively decline, until the value of slave property is reduced so low, and the need of more efficient labor so keenly felt, that there will be no motive remaining to hold the negroes in bondage. If, on the other hand, the exhaustive process should be arrested, it must be by means implying an entire renovation, economical and social, of Southern society. There would be needed new modes of cultivation, processes more refined and intellectual, and, as an indispensable condition, laborers more intelligent, who must be had either by the introduction of free labor, or by the mental improvement of the slaves. The masters must resign themselves to become efficient men of business, personal and vigilant overseers of their own laborers, and would find, that, in their new circumstances, successful industry was impossible without calling in other motives than the fear of the

lash. The immediate mitigation of slavery, and the education of the slaves, would thus be certain consequences, and its gradual destruction, by the consent of all concerned, a probable one, of the mere restriction of its area ; whether brought about by the subjugation of the Southern States, and their return to the Union under the Constitution according to its Northern interpretation, or by what Mr. Cairnes regards as both more practical and more desirable, — the recognition of their independence, with the Mississippi for their western boundary.

Either of these results would be a splendid, and probably a decisive and final, victory over slavery. But the only point on which we hesitate to agree with Mr. Cairnes is in preferring the latter to the former and more complete issue of the contest. Mr. Cairnes is alarmed by what he thinks the impossibility of governing this group of States after re-union, unless in a manner incompatible with free institutions,—as conquered countries, and by military law. We are unable to see the impossibility. If reduced by force, the Slave States must submit at discretion. They could no longer claim to be dealt with according to the Constitution which they had rebelled against. The door which has been left open till now for their voluntary return would be closed, it is to be presumed, after they had been brought back by force. In that case, the whole slave population might, and probably would, be at once emancipated, with compensation to those masters only who had remained loyal to the Federal Government, or who may have voluntarily returned to their allegiance before a time fixed. This having been done, there would be no

real danger in restoring the Southern States to their old position in the Union. It would be a diminished position, because the masters would no longer be allowed representatives in Congress in right of three-fifths of their slaves. The slaves once freed, and enabled to hold property, and the country thrown open to free colonization, in a few years there would be a free population in sympathy with the rest of the Union. The most actively disloyal part of the population, already diminished by the war, would probably in great part emigrate if the North were successful. Even if the negroes were not admitted to the suffrage, or if their former masters were able to control their votes, there is no probability, humbled and prostrated as the Slave Power would be, that in the next few years it would rally sufficiently to render any use which it could make of constitutional freedom again dangerous to the Union. When it is remembered that the thinly peopled Missouri, Arkansas, Texas, and some parts even of the South-eastern States, have even now so few slaves that they may be made entirely free at a very trifling expense in the way of redemption, and when the probable great influx of Northern settlers into those provinces is considered, the chance of any dangerous power in the councils of the United States to be exercised by the six or seven Cotton States, if allowed to retain their constitutional freedom, must appear so small, that there could be little temptation to deny them that common right.

It may, however, prove impossible to reduce the seceded States to unconditional submission, without a greater lapse of time, and greater sacrifices, than the North may be willing to endure. If so, the terms of



compromise suggested by Mr. Cairnes, which would secure all west of the Mississippi for free labor, would be a great immediate gain to the cause of freedom, and would probably in no long period secure its complete triumph. We agree with Mr. Cairnes, that this is the only *kind* of compromise which should be entertained for a moment. That peace should be made by giving up the cause of quarrel, the exclusion of slavery from the Territories, would be one of the greatest calamities which could happen to 'civilization and to mankind. Close the Territories, prevent the spread of the disease to countries not now afflicted with it, and much will already have been done to hasten its doom. But that doom would still be distant, if the vast uncolonized region of Arkansas and Texas, which alone is thought sufficient to form five States, were left to be filled up by a population of slaves and their masters; and no treaty of separation can be regarded with any satisfaction but one which should convert the whole country west of the Mississippi into free soil.

# UTILITARIANISM.

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## CHAPTER I.

### GENERAL REMARKS.

THERE are few circumstances, among those which make up the present condition of human knowledge, more unlike what might have been expected, or more significant of the backward state in which speculation on the most important subjects still lingers, than the little progress which has been made in the decision of the controversy respecting the criterion of right and wrong. From the dawn of philosophy, the question concerning the *summum bonum*, or, what is the same thing, concerning the foundation of morality, has been accounted the main problem in speculative thought, has occupied the most gifted intellects, and divided them into sects and schools, carrying on a vigorous warfare against one another. And, after more than two thousand years, the same discussions continue, philosophers are still ranged under the same contending banners, and neither thinkers nor mankind at large seem nearer to being unanimous on the subject than when the youth Socrates listened to the old Protagoras, and asserted (if Plato's dialogue be grounded on a real conversation) the theory of utilitarianism against the popular morality of the so-called sophist.

It is true, that similar confusion and uncertainty, and in some cases similar discordance, exist respecting the first principles of all the sciences, not excepting that which is deemed the most certain of them, — mathematics; without much impairing, generally indeed without impairing at all, the trustworthiness of the conclusions of those sciences. An apparent anomaly, the explanation of which is, that the detailed doctrines of a science are not usually deduced from, nor depend for their evidence upon, what are called its first principles. Were it not so, there would be no science more precarious, or whose conclusions were more insufficiently made out, than algebra; which derives none of its certainty from what are commonly taught to learners as its elements; since these, as laid down by some of its most eminent teachers, are as full of fictions as English law, and of mysteries as theology. The truths which are ultimately accepted as the first principles of a science are really the last results of metaphysical analysis, practised on the elementary notions with which the science is conversant; and their relation to the science is not that of foundations to an edifice, but of roots to a tree, which may perform their office equally well though they be never dug down to and exposed to light. But, though in science the particular truths precede the general theory, the contrary might be expected to be the case with a practical art, such as morals or legislation. All action is for the sake of some end; and rules of action, it seems natural to suppose, must take their whole character and color from the end to which they are subservient. When we engage in a pursuit, a clear and precise conception of what we are pursuing would seem to be the

first thing we need, instead of the last we are to look forward to. A test of right and wrong must be the means, one would think, of ascertaining what is right or wrong, and not a consequence of having already ascertained it.

The difficulty is not avoided by having recourse to the popular theory of a natural faculty, a sense or instinct, informing us of right and wrong. For, besides that the existence of such a moral instinct is itself one of the matters in dispute, those believers in it who have any pretensions to philosophy have been obliged to abandon the idea that it discerns what is right or wrong in the particular case in hand, as our other senses discern the sight or sound actually present. Our moral faculty, according to all those of its interpreters who are entitled to the name of thinkers, supplies us only with the general principles of moral judgments: it is a branch of our reason, not of our sensitive faculty; and must be looked to for the abstract doctrines of morality, not for perception of it in the concrete. The intuitive, no less than what may be termed the inductive, school of ethics, insists on the necessity of general laws. They both agree that the morality of an individual action is not a question of direct perception, but of the application of a law to an individual case. They recognize also, to a great extent, the same moral laws, but differ as to their evidence, and the source from which they derive their authority. According to the one opinion, the principles of morals are evident *à priori*; requiring nothing to command assent, except that the meaning of the terms be understood. According to the other doctrine, right and wrong, as well as truth and falsehood,

are questions of observation and experience. But both hold equally, that morality must be deduced from principles ; and the intuitive school affirm, as strongly as the inductive, that there is a science of morals. Yet they seldom attempt to make out a list of the *à-priori* principles which are to serve as the premises of the science ; still more rarely do they make any effort to reduce those various principles to one first principle, or common ground of obligation. They either assume the ordinary precepts of morals as of *à-priori* authority, or they lay down as the common groundwork of those maxims some generality much less obviously authoritative than the maxims themselves, and which has never succeeded in gaining popular acceptance. Yet, to support their pretensions, there ought either to be some one fundamental principle or law at the root of all morality ; or, if there be several, there should be a determinate order of precedence among them ; and the one principle, or the rule for deciding between the various principles when they conflict, ought to be self-evident.

To inquire how far the bad effects of this deficiency have been mitigated in practice, or to what extent the moral beliefs of mankind have been vitiated or made uncertain by the absence of any distinct recognition of an ultimate standard, would imply a complete survey and criticism of past and present ethical doctrine. It would, however, be easy to show that whatever steadiness or consistency these moral beliefs have attained has been mainly due to the tacit influence of a standard not recognized. Although the non-existence of an acknowledged first principle has made ethics not so much a guide as a consecration of men's actual senti-

ments, still, as men's sentiments, both of favor and of aversion, are greatly influenced by what they suppose to be the effects of things upon their happiness, the principle of utility, or, as Bentham latterly called it, the greatest-happiness principle, has had a large share in forming the moral doctrines even of those who most scornfully reject its authority. Nor is there any school of thought which refuses to admit that the influence of actions on happiness is a most material and even predominant consideration in many of the details of morals, however unwilling to acknowledge it as the fundamental principle of morality and the source of moral obligation. I might go much further, and say, that, to all those *à-priori* moralists who deem it necessary to argue at all, utilitarian arguments are indispensable. It is not my present purpose to criticise these thinkers; but I cannot help referring, for illustration, to a systematic treatise by one of the most illustrious of them, — the "Metaphysics of Ethics," by Kant. This remarkable man, whose system of thought will long remain one of the landmarks in the history of philosophical speculation, does, in the treatise in question, lay down an universal first principle as the origin and ground of moral obligation. It is this: "So act, that the rule on which thou actest would admit of being adopted as a law by all rational beings." But, when he begins to deduce from this precept any of the actual duties of morality, he fails, almost grotesquely, to show that there would be any contradiction, any logical (not to say physical) impossibility, in the adoption by all rational beings of the most outrageously immoral rules of conduct. All he shows is, that the *consequences* of their universal

adoption would be such as no one would choose to incur.

On the present occasion, I shall, without further discussion of the other theories, attempt to contribute something towards the understanding and appreciation of the Utilitarian or Happiness theory, and towards such proof as it is susceptible of. It is evident that this cannot be proof in the ordinary and popular meaning of the term. Questions of ultimate ends are not amenable to direct proof. Whatever can be proved to be good, must be so by being shown to be a means to something admitted to be good without proof. The medical art is proved to be good by its conducing to health; but how is it possible to prove that health is good? The art of music is good, for the reason, among others, that it produces pleasure; but what proof is it possible to give that pleasure is good? If, then, it is asserted that there is a comprehensive formula, including all things which are in themselves good, and that whatever else is good is not so as an end, but as a mean, the formula may be accepted or rejected, but is not a subject of what is commonly understood by proof. We are not, however, to infer that its acceptance or rejection must depend on blind impulse or arbitrary choice. There is a larger meaning of the word "proof," in which this question is as amenable to it as any other of the disputed questions of philosophy. The subject is within the cognizance of the rational faculty; and neither does that faculty deal with it solely in the way of intuition. Considerations may be presented capable of determining the intellect either to give or withhold its assent to the doctrine; and this is equivalent to proof.

We shall examine presently of what nature are these considerations ; in what manner they apply to the case ; and what rational grounds, therefore, can be given for accepting or rejecting the utilitarian formula. But it is a preliminary condition of rational acceptance or rejection, that the formula should be correctly understood. I believe that the very imperfect notion ordinarily formed of its meaning is the chief obstacle which impedes its reception ; and that, could it be cleared even from only the grosser misconceptions, the question would be greatly simplified, and a large proportion of its difficulties removed. Before, therefore, I attempt to enter into the philosophical grounds which can be given for assenting to the utilitarian standard, I shall offer some illustrations of the doctrine itself, with the view of showing more clearly what it is, distinguishing it from what it is not, and disposing of such of the practical objections to it as either originate in, or are closely connected with, mistaken interpretations of its meaning. Having thus prepared the ground, I shall afterwards endeavor to throw such light as I can upon the question, considered as one of philosophical theory.



## CHAPTER II.

### WHAT UTILITARIANISM IS.

A PASSING remark is all that needs be given to the ignorant blunder of supposing that those who stand up for utility, as the test of right and wrong, use the term in that restricted and merely colloquial sense in which utility is opposed to pleasure. An apology is due to



the philosophical opponents of utilitarianism for even the momentary appearance of confounding them with any one capable of so absurd a misconception ; which is the more extraordinary, inasmuch as the contrary accusation, of referring every thing to pleasure, and that, too, in its grossest form, is another of the common charges against utilitarianism : and, as has been pointedly remarked by an able writer, the same sort of persons, and often the very same persons, denounce the theory "as impracticably dry when the word 'utility' precedes the word 'pleasure,' and as too practicably voluptuous when the word 'pleasure' precedes the word 'utility.'"

Those who know any thing about the matter are aware, that every writer, from Epicurus to Bentham, who maintained the theory of utility, meant by it, not something to be contradistinguished from pleasure, but pleasure itself, together with exemption from pain ; and, instead of opposing the useful to the agreeable or the ornamental, have always declared that the useful means these, among other things. Yet the common herd, including the herd of writers, not only in newspapers and periodicals, but in books of weight and pretension, are perpetually falling into this shallow mistake. Having caught up the word "utilitarian," while knowing nothing whatever about it but its sound, they habitually express by it the rejection or the neglect of pleasure in some of its forms ; of beauty, of ornament, or of amusement. Nor is the term thus ignorantly misapplied solely in disparagement, but occasionally in compliment ; as though it implied superiority to frivolity and the mere pleasures of the moment. And this perverted use is the only one in which the word is

popularly known, and the one from which the new generation are acquiring their sole notion of its meaning. Those who introduced the word, but who had for many years discontinued it as a distinctive appellation, may well feel themselves called upon to resume it, if by doing so they can hope to contribute any thing towards rescuing it from this utter degradation.\*

The creed which accepts, as the foundation of morals, Utility, or the Greatest-happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure and the absence of pain; by unhappiness, pain and the privation of pleasure. To give a clear view of the moral standard set up by the theory, much more requires to be said; in particular, what things it includes in the ideas of pain and pleasure, and to what extent this is left an open question. But these supplementary explanations do not affect the theory of life on which this theory of morality is grounded, — namely, that pleasure, and freedom from pain, are the only things desirable as ends; and that all desirable things (which are as numerous in the utilitarian as in any other scheme) are desirable either for the pleasure inherent in them-

\* The author of this essay has reason for believing himself to be the first person who brought the word "utilitarian" into use. He did not invent it, but adopted it from a passing expression in Mr. Galt's *Annals of the Parish*. After using it as a designation for several years, he and others abandoned it from a growing dislike to any thing resembling a badge or watchword of sectarian distinction. But as a name for one single opinion, not a set of opinions, — to denote the recognition of utility as a standard, not any particular way of applying it, — the term supplies a want in the language, and offers, in many cases, a convenient mode of avoiding tiresome circumlocution.

selves, or as means to the promotion of pleasure and the prevention of pain.

Now, such a theory of life excites in many minds, and among them in some of the most estimable in feeling and purpose, inveterate dislike. To suppose that life has (as they express it) no higher end than pleasure, — no better and nobler object of desire and pursuit, — they designate as utterly mean and grovelling; as a doctrine worthy only of swine, to whom the followers of Epicurus were, at a very early period, contemptuously likened: and modern holders of the doctrine are occasionally made the subject of equally polite comparisons by its German, French, and English assailants.

When thus attacked, the Epicureans have always answered, that it is not they, but their accusers, who represent human nature in a degrading light, since the accusation supposes human beings to be capable of no pleasures except those of which swine are capable. If this supposition were true, the charge could not be gainsaid, but would then be no longer an imputation; for, if the sources of pleasure were precisely the same to human beings and to swine, the rule of life which is good enough for the one would be good enough for the other. The comparison of the Epicurean life to that of beasts is felt as degrading, precisely because a beast's pleasures do not satisfy a human being's conceptions of happiness. Human beings have faculties more elevated than the animal appetites; and, when once made conscious of them, do not regard any thing as happiness which does not include their gratification. I do not, indeed, consider the Epicureans to have been by any means faultless in drawing out their scheme of

consequences from the utilitarian principle. To do this in any sufficient manner, many Stoic as well as Christian elements require to be included. But there is no known Epicurean theory of life which does not assign to the pleasures of the intellect, of the feelings and imagination, and of the moral sentiments, a much higher value as pleasures than to those of mere sensation. It must be admitted, however, that utilitarian writers in general have placed the superiority of mental over bodily pleasures chiefly in the greater permanency, safety, uncostliness, &c., of the former, — that is, in their circumstantial advantages rather than in their intrinsic nature. And, on all these points, utilitarians have fully proved their case; but they might have taken the other, and, as it may be called, higher ground, with entire consistency. It is quite compatible with the principle of utility to recognize the fact, that some *kinds* of pleasure are more desirable and more valuable than others. It would be absurd, that while, in estimating all other things, quality is considered as well as quantity, the estimation of pleasures should be supposed to depend on quantity alone.

If I am asked what I mean by difference of quality in pleasures, or what makes one pleasure more valuable than another, merely as a pleasure, except its being greater in amount, there is but one possible answer. Of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference, irrespective of any feeling of moral obligation to prefer it, that is the more desirable pleasure. If one of the two is, by those who are competently acquainted with both, placed so far above the other that they pre-

fer it, even though knowing it to be attended with a greater amount of discontent, and would not resign it for any quantity of the other pleasure which their nature is capable of, we are justified in ascribing to the preferred enjoyment a superiority in quality, so far outweighing quantity, as to render it, in comparison, of small account.

Now, it is an unquestionable fact, that those who are equally acquainted with and equally capable of appreciating and enjoying both do give a most marked preference to the manner of existence which employs their higher faculties. Few human creatures would consent to be changed into any of the lower animals, for a promise of the fullest allowance of a beast's pleasures : no intelligent human being would consent to be a fool, no instructed person would be an ignoramus, no person of feeling and conscience would be selfish and base, even though they should be persuaded that the fool, the dunce, or the rascal is better satisfied with his lot than they are with theirs. They would not resign what they possess more than he for the most complete satisfaction of all the desires which they have in common with him. If they ever fancy they would, it is only in cases of unhappiness so extreme, that, to escape from it, they would exchange their lot for almost any other, however undesirable in their own eyes. A being of higher faculties requires more to make him happy, is capable probably of more acute suffering, and certainly accessible to it at more points, than one of an inferior type ; but, in spite of these liabilities, he can never really wish to sink into what he feels to be a lower grade of existence. We may give what explanation

we please of this unwillingness ; we may attribute it to pride, a name which is given indiscriminately to some of the most and to some of the least estimable feelings of which mankind are capable ; we may refer it to the love of liberty and personal independence, — an appeal to which was with the Stoics one of the most effective means for the inculcation of it ; to the love of power, or to the love of excitement, both of which do really enter into and contribute to it : but its most appropriate appellation is a sense of dignity, which all human beings possess in one form or other, and in some, though by no means in exact, proportion to their higher faculties, and which is so essential a part of the happiness of those in whom it is strong, that nothing which conflicts with it could be, otherwise than momentarily, an object of desire to them. Whoever supposes that this preference takes place at a sacrifice of happiness ; that the superior being, in any thing like equal circumstances, is not happier than the inferior, — confounds the two very different ideas of happiness and content. It is indisputable, that the being whose capacities of enjoyment are low has the greatest chance of having them fully satisfied ; and a highly endowed being will always feel that any happiness which he can look for, as the world is constituted, is imperfect. But he can learn to bear its imperfections, if they are at all bearable ; and they will not make him envy the being who is indeed unconscious of the imperfections, but only because he feels not at all the good which those imperfections qualify. It is better to be a human being dissatisfied, than a pig satisfied ; better to be Socrates dissatisfied, than a fool satisfied. And if the fool or the pig are of a different opinion, it

is because they only know their own side of the question. The other party to the comparison knows both sides.

It may be objected, that many who are capable of the higher pleasures, occasionally, under the influence of temptation, postpone them to the lower. But this is quite compatible with a full appreciation of the intrinsic superiority of the higher. Men often, from infirmity of character, make their election for the nearer good, though they know it to be the less valuable, and this no less when the choice is between two bodily pleasures than when it is between bodily and mental. They pursue sensual indulgences to the injury of health, though perfectly aware that health is the greater good. It may be further objected, that many who begin with youthful enthusiasm for every thing noble, as they advance in years sink into indolence and selfishness. But I do not believe that those who undergo this very common change voluntarily choose the lower description of pleasures in preference to the higher. I believe, that, before they devote themselves exclusively to the one, they have already become incapable of the other. Capacity for the nobler feelings is in most natures a very tender plant, easily killed, not only by hostile influences, but by mere want of sustenance ; and, in the majority of young persons, it speedily dies away if the occupations to which their position in life has devoted them, and the society into which it has thrown them, are not favorable to keeping that higher capacity in exercise. Men lose their high aspirations as they lose their intellectual tastes, because they have not time or opportunity for indulging them ; and they addict themselves to inferior pleasures,

not because they deliberately prefer them, but because they are either the only ones to which they have access, or the only ones which they are any longer capable of enjoying. It may be questioned, whether any one, who has remained equally susceptible to both classes of pleasures, ever knowingly and calmly preferred the lower ; though many in all ages have broken down in an ineffectual attempt to combine both.

From this verdict of the only competent judges, I apprehend there can be no appeal. On a question, which is the best worth having of two pleasures, or which of two modes of existence is the most grateful to the feelings, apart from its moral attributes and from its consequences, the judgment of those who are qualified by knowledge of both, or, if they differ, that of the majority among them, must be admitted as final. And there needs be the less hesitation to accept this judgment respecting the quality of pleasures, since there is no other tribunal to be referred to even on the question of quantity. What means are there of determining which is the acutest of two pains, or the intensest of two pleasurable sensations, except the general suffrage of those who are familiar with both? Neither pains nor pleasures are homogeneous, and pain is always heterogeneous with pleasure. What is there to decide whether a particular pleasure is worth purchasing at the cost of a particular pain, except the feelings and judgment of the experienced? When, therefore, those feelings and judgment declare the pleasures derived from the higher faculties to be preferable *in kind*, apart from the question of intensity, to those of which the animal nature, disjoined from the higher faculties, is



susceptible, they are entitled on this subject to the same regard.

I have dwelt on this point, as being a necessary part of a perfectly just conception of Utility or Happiness, considered as the directive rule of human conduct. But it is by no means an indispensable condition to the acceptance of the utilitarian standard ; for that standard is not the agent's own greatest happiness, but the greatest amount of happiness altogether : and, if it may possibly be doubted whether a noble character is always the happier for its nobleness, there can be no doubt that it makes other people happier, and that the world in general is immensely a gainer by it. Utilitarianism, therefore, could only attain its end by the general cultivation of nobleness of character, even if each individual were only benefited by the nobleness of others, and his own, so far as happiness is concerned, were a sheer deduction from the benefit. But the bare enunciation of such an absurdity as this last renders refutation superfluous.

According to the Greatest-happiness Principle, as above explained, the ultimate end, with reference to and for the sake of which all other things are desirable (whether we are considering our own good or that of other people), is an existence exempt as far as possible from pain, and as rich as possible in enjoyments, both in point of quantity and quality ; the test of quality, and the rule for measuring it against quantity, being the preference felt by those, who in their opportunities of experience, to which must be added their habits of self-consciousness and self-observation, are best furnished with the means of comparison. This, being,

according to the utilitarian opinion, the end of human action, is necessarily also the standard of morality : which may accordingly be defined, the rules and precepts for human conduct, by the observance of which an existence such as has been described might be, to the greatest extent possible, secured to all mankind ; and not to them only, but, so far as the nature of things admits, to the whole sentient creation.

Against this doctrine, however, arises another class of objectors, who say that happiness, in any form, cannot be the rational purpose of human life and action ; because, in the first place, it is unattainable : and they contemptuously ask, What right hast thou to be happy ? a question which Mr. Carlyle clinches by the addition, What right, a short time ago, hadst thou even *to be* ? Next, they say that men can do *without* happiness ; that all noble human beings have felt this, and could not have become noble but by learning the lesson of Entsagen, or renunciation ; which lesson, thoroughly learnt and submitted to, they affirm to be the beginning and necessary condition of all virtue.

The first of these objections would go to the root of the matter, were it well founded ; for, if no happiness is to be had at all by human beings, the attainment of it cannot be the end of morality, or of any rational conduct. Though, even in that case, something might still be said for the utilitarian theory ; since utility includes not solely the pursuit of happiness, but the prevention or mitigation of unhappiness : and, if the former aim be chimerical, there will be all the greater scope and more imperative need for the latter, so long at least as mankind think fit to live, and do not take

refuge in the simultaneous act of suicide recommended under certain conditions by Novalis. When, however, it is thus positively asserted to be impossible that human life should be happy, the assertion, if not something like a verbal quibble, is at least an exaggeration. If by happiness be meant a continuity of highly pleasurable excitement, it is evident enough that this is impossible. A state of exalted pleasure lasts only moments, or in some cases, and with some intermissions, hours or days; and is the occasional brilliant flash of enjoyment, not its permanent and steady flame. Of this the philosophers who have taught that happiness is the end of life were as fully aware as those who taunt them. The happiness which they meant was not a life of rapture, but moments of such, in an existence made up of few and transitory pains, many and various pleasures, with a decided predominance of the active over the passive, and having, as the foundation of the whole, not to expect more from life than it is capable of bestowing. A life thus composed, to those who have been fortunate enough to obtain it, has always appeared worthy of the name of "happiness." And such an existence is even now the lot of many, during some considerable portion of their lives. The present wretched education and wretched social arrangements are the only real hinderance to its being attainable by almost all.

The objectors, perhaps, may doubt whether human beings, if taught to consider happiness as the end of life, would be satisfied with such a moderate share of it. But great numbers of mankind have been satisfied with much less. The main constituents of a satisfied life appear to be two, either of which by itself is often

found sufficient for the purpose,—tranquillity and excitement. With much tranquillity, many find that they can be content with very little pleasure; with much excitement, many can reconcile themselves to a considerable quantity of pain. There is assuredly no inherent impossibility in enabling even the mass of mankind to unite both; since the two are so far from being incompatible, that they are in natural alliance; the prolongation of either being a preparation for, and exciting a wish for, the other. It is only those in whom indolence amounts to a vice, that do not desire excitement after an interval of repose; it is only those in whom the need of excitement is a disease, that feel the tranquillity which follows excitement dull and insipid, instead of pleasurable in direct proportion to the excitement which preceded it. When people who are tolerably fortunate in their outward lot do not find in life sufficient enjoyment to make it valuable to them, the cause generally is, caring for nobody but themselves. To those who have neither public nor private affections, the excitements of life are much curtailed, and, in any case, dwindle in value as the time approaches when all selfish interests must be terminated by death; while those who leave after them objects of personal affection, and especially those who have also cultivated a fellow-feeling with the collective interests of mankind, retain as lively an interest in life on the eve of death as in the vigor of youth and health. Next to selfishness, the principal cause which makes life unsatisfactory is want of mental cultivation. A cultivated mind—I do not mean that of a philosopher, but any mind to which the fountains of knowledge have been opened, and which has been

taught, in any tolerable degree, to exercise its faculties — finds sources of inexhaustible interest in all that surrounds it ; in the objects of nature, the achievements of art, the imaginations of poetry, the incidents of history, the ways of mankind past and present, and their prospects in the future. It is possible, indeed, to become indifferent to all this, and that, too, without having exhausted a thousandth part of it ; but only when one has had from the beginning no moral or human interest in these things, and has sought in them only the gratification of curiosity.

Now, there is absolutely no reason in the nature of things why an amount of mental culture sufficient to give an intelligent interest in these objects of contemplation should not be the inheritance of every one born in a civilized country. As little is there an inherent necessity that any human being should be a selfish egoist, devoid of every feeling or care but those which centre in his own miserable individuality. Something far superior to this is sufficiently common even now to give ample earnest of what the human species may be made. Genuine private affections, and a sincere interest in the public good, are possible, though in unequal degrees, to every rightly brought up human being. In a world in which there is so much to interest, so much to enjoy, and so much also to correct and improve, every one who has this moderate amount of moral and intellectual requisites is capable of an existence which may be called enviable ; and unless such a person, through bad laws, or subjection to the will of others, is denied the liberty to use the sources of happiness within his reach, he will **not** fail to find this enviable existence, if he escape the

positive evils of life, the great sources of physical and mental suffering, — such as indigence, disease, and the unkindness, worthlessness, or premature loss, of objects of affection. The main stress of the problem lies, therefore, in the contest with these calamities, from which it is a rare good fortune entirely to escape; which, as things now are, cannot be obviated, and often cannot be, in any material degree, mitigated. Yet no one, whose opinion deserves a moment's consideration, can doubt that most of the great positive evils of the world are in themselves removable, and will, if human affairs continue to improve, be in the end reduced within narrow limits. Poverty, in any sense implying suffering, may be completely extinguished by the wisdom of society, combined with the good sense and providence of individuals. Even that most intractable of enemies, disease, may be indefinitely reduced in dimensions by good physical and moral education, and proper control of noxious influences; while the progress of science holds out a promise for the future of still more direct conquests over this detestable foe. And every advance in that direction relieves us from some, not only of the chances which cut short our own lives, but, what concerns us still more, which deprive us of those in whom our happiness is wrapped up. As for vicissitudes of fortune, and other disappointments connected with worldly circumstances, these are principally the effect either of gross imprudence, of ill-regulated desires, or of bad or imperfect social institutions. All the grand sources, in short, of human suffering, are in a great degree, many of them almost entirely, conquerable by human care and effort: and though their removal

is grievously slow ; though a long succession of generations will perish in the breach before the conquest is completed, and this world becomes all that, if will and knowledge were not wanting, it might easily be made, — yet every mind sufficiently intelligent and generous to bear a part, however small and unobtrusive, in the endeavor, will draw a noble enjoyment from the contest itself, which he would not, for any bribe in the form of selfish indulgence, consent to be without.

And this leads to the true estimation of what is said by the objectors concerning the possibility and the obligation of learning to do without happiness. Unquestionably, it is possible to do without happiness : it is done involuntarily by nineteen-twentieths of mankind, even in those parts of our present world which are least deep in barbarism ; and it often has to be done voluntarily by the hero or the martyr, for the sake of something which he prizes more than his individual happiness. But this something — what is it, unless the happiness of others, or some of the requisites of happiness ? It is noble to be capable of resigning entirely one's own portion of happiness, or chances of it : but, after all, this self-sacrifice must be for some end ; it is not its own end ; and if we are told that its end is not happiness, but virtue, which is better than happiness, I ask, Would the sacrifice be made if the hero or martyr did not believe that it would earn for others immunity from similar sacrifices ? Would it be made if he thought that his renunciation of happiness for himself would produce no fruit for any of his fellow-creatures but to make their lot like his, and place them also in the condition of persons who have renounced happiness ? All

honor to those who can abnegate for themselves the personal enjoyment of life, when by such renunciation they contribute worthily to increase the amount of happiness in the world ; but he who does it, or professes to do it, for any other purpose, is no more deserving of admiration than the ascetic mounted on his pillar. He may be an inspiring proof of what men *can* do, but assuredly not an example of what they *should*.

Though it is only in a very imperfect state of the world's arrangements that any one can best serve the happiness of others by the absolute sacrifice of his own, yet, so long as the world is in that imperfect state, I fully acknowledge that the readiness to make such a sacrifice is the highest virtue which can be found in man. I will add, that in this condition of the world, paradoxical as the assertion may be, the conscious ability to do without happiness gives the best prospect of realizing such happiness as is attainable. For nothing except that consciousness can raise a person above the chances of life, by making him feel, that, let fate and fortune do their worst, they have not power to subdue him ; which, once felt, frees him from excess of anxiety concerning the evils of life, and enables him, like many a Stoic in the worst times of the Roman Empire, to cultivate in tranquillity the sources of satisfaction accessible to him, without concerning himself about the uncertainty of their duration, any more than about their inevitable end.

Meanwhile, let utilitarians never cease to claim the morality of self-devotion as a possession which belongs by as good a right to them as either to the Stoic or to the Transcendentalist. The utilitarian morality does recognize in human beings the power of sacrificing their



own greatest good for the good of others. It only refuses to admit that the sacrifice is itself a good. A sacrifice which does not increase, or tend to increase, the sum total of happiness, it considers as wasted. The only self-renunciation which it applauds is devotion to the happiness, or to some of the means of happiness, of others, either of mankind collectively, or of individuals within the limits imposed by the collective interests of mankind.

I must again repeat, what the assailants of utilitarianism seldom have the justice to acknowledge, that the happiness which forms the utilitarian standard of what is right in conduct is not the agent's own happiness, but that of all concerned; as, between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator. In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as you would be done by, and to love your neighbor as yourself, constitute the ideal perfection of utilitarian morality. As the means of making the nearest approach to this ideal, utility would enjoin, first, that laws and social arrangements should place the happiness or (as, speaking practically, it may be called) the interest of every individual as nearly as possible in harmony with the interest of the whole; and, secondly, that education and opinion, which have so vast a power over human character, should so use that power as to establish in the mind of every individual an indissoluble association between his own happiness and the good of the whole, — especially between his own happiness, and the practice of such modes of conduct, negative and pos-

itive, as regard for the universal happiness prescribes, — so that not only he may be unable to conceive the possibility of happiness to himself, consistently with conduct opposed to the general good, but also that a direct impulse to promote the general good may be in every individual one of the habitual motives of action, and the sentiments connected therewith may fill a large and prominent place in every human being's sentient existence. If the impugnors of the utilitarian morality represented it to their own minds in this its true character, I know not what recommendation possessed by any other morality they could possibly affirm to be wanting to it; what more beautiful or more exalted developments of human nature any other ethical system can be supposed to foster; or what springs of action, not accessible to the utilitarian, such systems rely on for giving effect to their mandates.

The objectors to utilitarianism cannot always be charged with representing it in a discreditable light. On the contrary, those among them who entertain any thing like a just idea of its disinterested character sometimes find fault with its standard as being too high for humanity. They say it is exacting too much to require that people shall always act from the inducement of promoting the general interests of society. But this is to mistake the very meaning of a standard of morals, and confound the rule of action with the motive of it. It is the business of ethics to tell us what are our duties, or by what test we may know them; but no system of ethics requires that the sole motive of all we do shall be a feeling of duty: on the contrary, ninety-nine hundredths of all our actions are done from other motives,

and rightly so done, if the rule of duty does not condemn them. It is the more unjust to utilitarianism that this particular misapprehension should be made a ground of objection to it, inasmuch as utilitarian moralists have gone beyond almost all others in affirming that the motive has nothing to do with the morality of the action, though much with the worth of the agent. He who saves a fellow-creature from drowning does what is morally right, whether his motive be duty, or the hope of being paid for his trouble : he who betrays the friend that trusts him is guilty of a crime, even if his object be to serve another friend to whom he is under greater obligations. But to speak only of actions done from the motive of duty, and in direct obedience to principle : it is a misapprehension of the utilitarian mode of thought to conceive it as implying that people should fix their minds upon so wide a generality as the world or society at large. The great majority of good actions are intended, not for the benefit of the world, but for that of individuals, of which the good of the world is made up ; and the thoughts of the most virtuous man need not on these occasions travel beyond the particular persons concerned, except so far as is necessary to assure himself, that, in benefiting them, he is not violating the rights — that is, the legitimate and authorized expectations — of any one else. The multiplication of happiness is, according to the utilitarian ethics, the object of virtue : the occasions on which any person (except one in a thousand) has it in his power to do this on an extended scale — in other words, to be a public benefactor — are but exceptional ; and on these occasions alone is he called on to consider public utility : in every other case, private

utility, the interest or happiness of some few persons, is all he has to attend to. Those alone, the influence of whose actions extends to society in general, need concern themselves habitually about so large an object. In the case of abstinences indeed, — of things which people forbear to do from moral considerations, though the consequences in the particular case might be beneficial, — it would be unworthy of an intelligent agent not to be consciously aware that the action is of a class, which, if practised generally, would be generally injurious, and that this is the ground of the obligation to abstain from it. The amount of regard for the public interest implied in this recognition is no greater than is demanded by every system of morals ; for they all enjoin to abstain from whatever is manifestly pernicious to society.

The same considerations dispose of another reproach against the doctrine of utility, founded on a still grosser misconception of the purpose of a standard of morality, and of the very meaning of the words "right" and "wrong." It is often affirmed, that utilitarianism renders men cold and unsympathizing ; that it chills their moral feelings towards individuals ; that it makes them regard only the dry and hard consideration of the consequences of actions, not taking into their moral estimate the qualities from which those actions emanate. If the assertion means that they do not allow their judgment respecting the rightness or wrongness of an action to be influenced by their opinion of the qualities of the person who does it, this is a complaint, not against utilitarianism, but against having any standard of morality at all : for certainly no known ethical standard decides an action to be good or bad because it is done by a good or a bad

man ; still less because done by an amiable, a brave, or a benevolent man, or the contrary. These considerations are relevant, not to the estimation of actions, but of persons ; and there is nothing in the utilitarian theory inconsistent with the fact, that there are other things which interest us in persons besides the rightness and wrongness of their actions. The Stoics indeed, with the paradoxical misuse of language which was part of their system, and by which they strove to raise themselves above all concern about any thing but virtue, were fond of saying, that he who has that, has every thing ; that he, and only he, is rich, is beautiful, is a king. But no claim of this description is made for the virtuous man by the utilitarian doctrine. Utilitarians are quite aware that there are other desirable possessions and qualities besides virtue, and are perfectly willing to allow to all of them their full worth. They are also aware that a right action does not necessarily indicate a virtuous character ; and that actions which are blamable often proceed from qualities entitled to praise. When this is apparent in any particular case, it modifies their estimation, not certainly of the act, but of the agent. I grant that they are, notwithstanding, of opinion, that, in the long-run, the best proof of a good character is good actions ; and resolutely refuse to consider any mental disposition as good, of which the predominant tendency is to produce bad conduct. This makes them unpopular with many people : but it is an unpopularity which they must share with every one who regards the distinction between right and wrong in a serious light ; and the reproach is not one which a conscientious utilitarian need be anxious to repel.

If no more be meant by the objection than that many utilitarians look on the morality of actions, as measured by the utilitarian standard, with too exclusive a regard, and do not lay sufficient stress upon the other beauties of character which go towards making a human being lovable or admirable, this may be admitted. Utilitarians who have cultivated their moral feelings, but not their sympathies nor their artistic perceptions, do fall into this mistake; and so do all other moralists under the same conditions. What can be said in excuse for other moralists is equally available for them; namely, that, if there is to be any error, it is better that it should be on that side. As a matter of fact, we may affirm that among utilitarians, as among adherents of other systems, there is every imaginable degree of rigidity and of laxity in the application of their standard: some are even puritanically rigorous, while others are as indulgent as can possibly be desired by sinner or by sentimentalist. But, on the whole, a doctrine which brings prominently forward the interest that mankind have in the repression and prevention of conduct which violates the moral law, is likely to be inferior to no other in turning the sanctions of opinion against such violations. It is true, the question, What does violate the moral law? is one on which those who recognize different standards of morality are likely now and then to differ. But difference of opinion on moral questions was not first introduced into the world by utilitarianism; while that doctrine does supply, if not always an easy, at all events a tangible and intelligible, mode of deciding such differences.

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It may not be superfluous to notice a few more of the common misapprehensions of utilitarian ethics, even those which are so obvious and gross that it might appear impossible for any person of candor and intelligence to fall into them ; since persons even of considerable mental endowments often give themselves so little trouble to understand the bearings of any opinion against which they entertain a prejudice, and men are in general so little conscious of this voluntary ignorance as a defect, that the vulgarest misunderstandings of ethical doctrines are continually met with in the deliberate writings of persons of the greatest pretensions both to high principle and to philosophy. We not uncommonly hear the doctrine of utility inveighed against as a *godless* doctrine. If it be necessary to say any thing at all against so mere an assumption, we may say that the question depends upon what idea we have formed of the moral character of the Deity. If it be a true belief, that God desires, above all things, the happiness of his creatures, and that this was his purpose in their creation, utility is not only not a godless doctrine, but more profoundly religious than any other. If it be meant that utilitarianism does not recognize the revealed will of God as the supreme law of morals, I answer, that an utilitarian, who believes in the perfect goodness and wisdom of God, necessarily believes that whatever God has thought fit to reveal on the subject of morals must fulfil the requirements of utility in a supreme degree. But others besides utilitarians have been of opinion, that the Christian revelation was intended, and is fitted, to inform the hearts and minds of mankind with a spirit which should enable them to find for themselves what is

right, and incline them to do it when found, rather than to tell them, except in a very general way, what it is ; and that we need a doctrine of ethics, carefully followed out, to *interpret* to us the will of God. Whether this opinion is correct or not, it is superfluous here to discuss ; since whatever aid religion, either natural or revealed, can afford to ethical investigation, is as open to the utilitarian moralist as to any other. He can use it as the testimony of God to the usefulness or hurtfulness of any given course of action, by as good a right as others can use it for the indication of a transcendental law, having no connection with usefulness or with happiness.

Again : Utility is often summarily stigmatized as an immoral doctrine by giving it the name of Expediency, and, taking advantage of the popular use of that term, to contrast it with Principle. But the Expedient, in the sense in which it is opposed to the Right, generally means that which is expedient for the particular interest of the agent himself ; as when a minister sacrifices the interests of his country to keep himself in place. When it means any thing better than this, it means that which is expedient for some immediate object, some temporary purpose, but which violates a rule whose observance is expedient in a much higher degree. The Expedient, in this sense, instead of being the same thing with the useful, is a branch of the hurtful. Thus it would often be expedient, for the purpose of getting over some momentary embarrassment, or attaining some object immediately useful to ourselves or others, to tell a lie. But inasmuch as the cultivation in ourselves of a sensitive feeling on the subject of veracity is one of the



most useful, and the enfeeblement of that feeling one of the most hurtful, things to which our conduct can be instrumental; and inasmuch as any, even unintentional, deviation from truth does that much towards weakening the trustworthiness of human assertion, which is not only the principal support of all present social well-being, but the insufficiency of which does more than any one thing that can be named to keep back civilization, virtue, every thing on which human happiness on the largest scale depends,— we feel that the violation, for a present advantage, of a rule of such transcendent expediency, is not expedient; and that he, who, for the sake of a convenience to himself or to some other individual, does what depends on him to deprive mankind of the good, and inflict upon them the evil, involved in the greater or less reliance which they can place in each other's word, acts the part of one of their worst enemies. Yet that even this rule, sacred as it is, admits of possible exceptions, is acknowledged by all moralists; the chief of which is, when the withholding of some fact (as of information from a malefactor, or of bad news from a person dangerously ill) would save an individual (especially an individual other than one's self) from great and unmerited evil, and when the withholding can only be effected by denial. But in order that the exception may not extend itself beyond the need, and may have the least possible effect in weakening reliance on veracity, it ought to be recognized, and, if possible, its limits defined; and, if the principle of utility is good for any thing, it must be good for weighing these conflicting utilities against one another, and marking out the region within which one or the other preponderates.

Again : defenders of utility often find themselves called upon to reply to such objections as this, — that there is not time, previous to action, for calculating and weighing the effects of any line of conduct on the general happiness. This is exactly as if any one were to say that it is impossible to guide our conduct by Christianity, because there is not time, on every occasion on which any thing has to be done, to read through the Old and New Testaments. The answer to the objection is, that there has been ample time ; namely, the whole past duration of the human species. During all that time, mankind have been learning by experience the tendencies of actions, on which experience all the prudence as well as all the morality of life are dependent. People talk as if the commencement of this course of experience had hitherto been put off, and as if, at the moment when some man feels tempted to meddle with the property or life of another, he had to begin considering for the first time whether murder and theft are injurious to human happiness. Even then, I do not think that he would find the question very puzzling ; but, at all events, the matter is now done to his hand. It is truly a whimsical supposition, that, if mankind were agreed in considering utility to be the test of morality, they would remain without any agreement as to what is useful, and would take no measures for having their notions on the subject taught to the young, and enforced by law and opinion. There is no difficulty in proving any ethical standard whatever to work ill, if we suppose universal idiocy to be conjoined with it : but, on any hypothesis short of that, mankind must by this time have acquired positive beliefs as to the effects of some

actions on their happiness ; and the beliefs which have thus come down are the rules of morality for the multitude, and for the philosopher, until he has succeeded in finding better. That philosophers might easily do this, even now, on many subjects ; that the received code of ethics is by no means of divine right ; and that mankind have still much to learn as to the effects of actions on the general happiness, — I admit, or, rather, earnestly maintain. The corollaries from the principle of utility, like the precepts of every practical art, admit of indefinite improvement ; and, in a progressive state of the human mind, their improvement is perpetually going on. But to consider the rules of morality as improvable is one thing ; to pass over the intermediate generalizations entirely, and endeavor to test each individual action directly by the first principle, is another. It is a strange notion, that the acknowledgment of a first principle is inconsistent with the admission of secondary ones. To inform a traveller respecting the place of his ultimate destination is not to forbid the use of landmarks and direction-posts on the way. The proposition that happiness is the end and aim of morality does not mean that no road ought to be laid down to that goal, or that persons going thither should not be advised to take one direction rather than another. Men really ought to leave off talking a kind of nonsense on this subject which they would neither talk nor listen to on other matters of practical concernment. Nobody argues that the art of navigation is not founded on astronomy, because sailors cannot wait to calculate the "Nautical Almanac." Being rational creatures, they go to sea with it ready calculated ; and all rational creatures go

out upon the sea of life with their minds made up on the common questions of right and wrong, as well as on many of the far more difficult questions of wise and foolish. And this, as long as foresight is a human quality, it is to be presumed they will continue to do. Whatever we adopt as the fundamental principle of morality, we require subordinate principles to apply it by : the impossibility of doing without them, being common to all systems, can afford no argument against any one in particular ; but gravely to argue as if no such secondary principles could be had, and as if mankind had remained till now, and always must remain, without drawing any general conclusions from the experience of human life, is as high a pitch, I think, as absurdity has ever reached in philosophical controversy.

The remainder of the stock arguments against utilitarianism mostly consist in laying to its charge the common infirmities of human nature, and the general difficulties which embarrass conscientious persons in shaping their course through life. We are told that an utilitarian will be apt to make his own particular case an exception to moral rules ; and, when under temptation, will see an utility in the breach of a rule greater than he will see in its observance. But is utility the only creed which is able to furnish us with excuses for evil-doing, and means of cheating our own conscience ? They are afforded in abundance by all doctrines which recognize as a fact in morals the existence of conflicting considerations ; which all doctrines do that have been believed by sane persons. It is not the fault of any creed, but of the complicated nature of human affairs, that rules of conduct cannot be so framed as to require

no exceptions, and that hardly any kind of action can safely be laid down as either always obligatory or always condemnable. There is no ethical creed which does not temper the rigidity of its laws by giving a certain latitude, under the moral responsibility of the agent, for accommodation to peculiarities of circumstances; and under every creed, at the opening thus made, self-deception and dishonest casuistry get in. There exists no moral system under which there do not arise unequivocal cases of conflicting obligation. These are the real difficulties; the knotty points both in the theory of ethics, and in the conscientious guidance of personal conduct. They are overcome practically with greater or with less success according to the intellect and virtue of the individual; but it can hardly be pretended that any one will be the less qualified for dealing with them, from possessing an ultimate standard to which conflicting rights and duties can be referred. If utility is the ultimate source of moral obligations, utility may be invoked to decide between them when their demands are incompatible. Though the application of the standard may be difficult, it is better than none at all: while in other systems, the moral laws all claiming independent authority, there is no common umpire entitled to interfere between them; their claims to precedence one over another rest on little better than sophistry; and unless determined, as they generally are, by the unacknowledged influence of considerations of utility, afford a free scope for the action of personal desires and partialities. We must remember that only in these cases of conflict between secondary principles is it requisite that first principles should be appealed to.

There is no case of moral obligation in which some secondary principle is not involved ; and, if only one, there can seldom be any real doubt which one it is, in the mind of any person by whom the principle itself is recognized.



### CHAPTER III

#### OF THE ULTIMATE SANCTION OF THE PRINCIPLE OF UTILITY.

THE question is often asked, and properly so, in regard to any supposed moral standard, What is its sanction? what are the motives to obey it? or, more specifically, what is the source of its obligation? whence does it derive its binding force? It is a necessary part of moral philosophy to provide the answer to this question; which, though frequently assuming the shape of an objection to the utilitarian morality, as if it had some special applicability to that above others, really arises in regard to all standards. It arises, in fact, whenever a person is called on to *adopt* a standard, or refer morality to any basis on which he has not been accustomed to rest it. For the customary morality, that which education and opinion have consecrated, is the only one which presents itself to the mind with the feeling of being *in itself* obligatory: and, when a person is asked to believe that this morality *derives* its obligation from some general principle round which custom has not thrown the same halo, the assertion is to him a paradox; the supposed corollaries seem to have a more binding force than the original theorem; the superstructure seems to stand better without than with what is rep-

resented as its foundation. He says to himself, "I feel that I am bound not to rob or murder, betray or deceive ; but why am I bound to promote the general happiness? If my own happiness lies in something else, why may I not give that the preference?"

If the view adopted by the utilitarian philosophy of the nature of the moral sense be correct, this difficulty will always present itself, until the influences which form moral character have taken the same hold of the principle which they have taken of some of the consequences ; until, by the improvement of education, the feeling of unity with our fellow-creatures shall be (what it cannot be denied that Christ intended it to be) as deeply rooted in our character, and, to our own consciousness, as completely a part of our nature, as the horror of crime is in an ordinarily well brought up young person. In the mean time, however, the difficulty has no peculiar application to the doctrine of utility, but is inherent in every attempt to analyze morality, and reduce it to principles ; which, unless the principle is already in men's minds invested with as much sacredness as any of its applications, always seems to divest them of a part of their sanctity.

The principle of utility either has, or there is no reason why it might not have, all the sanctions which belong to any other system of morals. Those sanctions are either external or internal. Of the external sanctions it is not necessary to speak at any length. They are, the hope of favor and the fear of displeasure from our fellow-creatures, or from the Ruler of the universe, along with whatever we may have of sympathy or affection for them ; or of love and awe of him, inclining

us to do his will independently of selfish consequences. There is evidently no reason why all these motives for observance should not attach themselves to the utilitarian morality as completely and as powerfully as to any other. Indeed, those of them which refer to our fellow-creatures are sure to do so, in proportion to the amount of general intelligence: for, whether there be any other ground of moral obligation than the general happiness or not, men do desire happiness; and, however imperfect may be their own practice, they desire and commend all conduct in others towards themselves by which they think their happiness is promoted. With regard to the religious motive, if men believe, as most profess to do, in the goodness of God, those who think that conduciveness to the general happiness is the essence, or even only the criterion, of good, must necessarily believe that it is also that which God approves. The whole force, therefore, of external reward and punishment, whether physical or moral, and whether proceeding from God or from our fellow-men, together with all that the capacities of human nature admit of disinterested devotion to either, become available to enforce the utilitarian morality, in proportion as that morality is recognized; and the more powerfully, the more the appliances of education and general cultivation are bent to the purpose.

So far as to external sanctions. The internal sanction of duty, whatever our standard of duty may be, is one and the same, — a feeling in our own mind; a pain, more or less intense, attendant on violation of duty, which, in properly cultivated moral natures, rises in the more serious cases into shrinking from it as an impossi-



bility. This feeling, when disinterested, and connecting itself with the pure idea of duty, and not with some particular form of it, or with any of the merely accessory circumstances, is the essence of Conscience : though in that complex phenomenon, as it actually exists, the simple fact is, in general, all incrustated over with collateral associations, derived from sympathy, from love, and still more from fear ; from all the forms of religious feeling ; from the recollections of childhood, and of all our past life ; from self-esteem, desire of the esteem of others, and occasionally even self-abasement. This extreme complication is, I apprehend, the origin of the sort of mystical character, which, by a tendency of the human mind of which there are many other examples, is apt to be attributed to the idea of moral obligation, and which leads people to believe that the idea cannot possibly attach itself to any other objects than those which, by a supposed mysterious law, are found in our present experience to excite it. Its binding force, however, consists in the existence of a mass of feeling which must be broken through in order to do what violates our standard of right ; and which, if we do nevertheless violate that standard, will probably have to be encountered afterwards in the form of remorse. Whatever theory we have of the nature or origin of conscience, this is what essentially constitutes it.

The ultimate sanction, therefore, of all morality (external motives apart) being a subjective feeling in our own minds, I see nothing embarrassing, to those whose standard is utility, in the question, What is the sanction of that particular standard ? We may answer, The same as of all other moral standards, — the conscientious

feelings of mankind. Undoubtedly this sanction has no binding efficacy on those who do not possess the feelings it appeals to ; but neither will these persons be more obedient to any other moral principle than to the utilitarian one. On them, morality of any kind has no hold but through the external sanctions. Meanwhile the feelings exist, — a fact in human nature, the reality of which, and the great power with which they are capable of acting on those in whom they have been duly cultivated, are proved by experience. No reason has ever been shown why they may not be cultivated to as great intensity in connection with the utilitarian as with any other rule of morals.

There is, I am aware, a disposition to believe that a person who sees in moral obligation a transcendental fact, an objective reality belonging to the province of "things in themselves," is likely to be more obedient to it than one who believes it to be entirely subjective, having its seat in human consciousness only. But, whatever a person's opinion may be on this point of ontology, the force he is really urged by is his own subjective feeling, and is exactly measured by its strength. No one's belief that Duty is an objective reality is stronger than the belief that God is so ; yet the belief in God, apart from the expectation of actual reward and punishment, only operates on conduct through, and in proportion to, the subjective religious feeling. The sanction, so far as it is disinterested, is always in the mind itself : and the notion, therefore, of the transcendental moralists must be, that this sanction will not exist *in* the mind, unless it is believed to have its root out of the mind ; and that if a person is able to say to himself, "This

which is restraining me, and which is called my conscience, is only a feeling in my own mind," he may possibly draw the conclusion, that, when the feeling ceases, the obligation ceases; and that, if he find the feeling inconvenient, he may disregard it, and endeavor to get rid of it. But is this danger confined to the utilitarian morality? Does the belief that moral obligation has its seat outside the mind make the feeling of it too strong to be got rid of? The fact is so far otherwise, that all moralists admit and lament the ease with which, in the generality of minds, conscience can be silenced or stifled. The question, Need I obey my conscience? is quite as often put to themselves by persons who never heard of the principle of utility as by its adherents. Those whose conscientious feelings are so weak as to allow of their asking this question, if they answer it affirmatively, will not do so because they believe in the transcendental theory, but because of the external sanctions.

It is not necessary, for the present purpose, to decide whether the feeling of duty is innate or implanted. Assuming it to be innate, it is an open question to what objects it naturally attaches itself; for the philosophic supporters of that theory are now agreed that the intuitive perception is of principles of morality, and not of the details. If there be any thing innate in the matter, I see no reason why the feeling which is innate should not be that of regard to the pleasures and pains of others. If there is any principle of morals which is intuitively obligatory, I should say it must be that. If so, the intuitive ethics would coincide with the utilitarian, and there would be no further quarrel between them. Even

as it is, the intuitive moralists, though they believe that there are other intuitive moral obligations, do already believe this to be one ; for they unanimously hold that a large *portion* of morality turns upon the consideration due to the interests of our fellow-creatures. Therefore, if the belief in the transcendental origin of moral obligation gives any additional efficacy to the internal sanction, it appears to me that the utilitarian principle has already the benefit of it.

On the other hand, if, as is my own belief, the moral feelings are not innate, but acquired, they are not for that reason the less natural. It is natural to man to speak, to reason, to build cities, to cultivate the ground, though these are acquired faculties. The moral feelings are not indeed a part of our nature, in the sense of being in any perceptible degree present in all of us ; but this, unhappily, is a fact admitted by those who believe the most strenuously in their transcendental origin. Like the other acquired capacities above referred to, the moral faculty, if not a part of our nature, is a natural outgrowth from it ; capable like them, in a certain small degree, of springing up spontaneously, and susceptible of being brought by cultivation to a high degree of development. Unhappily, it is also susceptible, by a sufficient use of the external sanctions and of the force of early impressions, of being cultivated in almost any direction ; so that there is hardly any thing so absurd or so mischievous that it may not, by means of these influences, be made to act on the human mind with all the authority of conscience. To doubt that the same potency might be given by the same means to the principle of utility, even if it had no foundation in

human nature, would be flying in the face of all experience.

But moral associations which are wholly of artificial creation, when intellectual culture goes on, yield by degrees to the dissolving force of analysis : and if the feeling of duty, when associated with utility, would appear equally arbitrary ; if there were no leading department of our nature, no powerful class of sentiments, with which that association would harmonize, which would make us feel it congenial, and incline us not only to foster it in others (for which we have abundant interested motives), but also to cherish it in ourselves ; if there were not, in short, a natural basis of sentiment for utilitarian morality,—it might well happen that this association also, even after it had been implanted by education, might be analyzed away.

But there *is* this basis of powerful natural sentiment ; and this it is, which, when once the general happiness is recognized as the ethical standard, will constitute the strength of the utilitarian morality. This firm foundation is that of the social feelings of mankind ; the desire to be in unity with our fellow-creatures, which is already a powerful principle in human nature, and happily one of those which tend to become stronger, even without express inculcation from the influences of advancing civilization. The social state is at once so natural, so necessary, and so habitual to man, that except in some unusual circumstances, or by an effort of voluntary abstraction, he never conceives himself otherwise than as a member of a body ; and this association is riveted more and more as mankind are further removed from the state of savage independence. Any condition, there-

fore, which is essential to a state of society, becomes more and more an inseparable part of every person's conception of the state of things which he is born into, and which is the destiny of a human being. Now, society between human beings, except in the relation of master and slave, is manifestly impossible on any other footing than that the interests of all are to be consulted. Society between equals can only exist on the understanding that the interests of all are to be regarded equally. And since, in all states of civilization, every person except an absolute monarch has equals, every one is obliged to live on these terms with somebody; and, in every age, some advance is made towards a state in which it will be impossible to live permanently on other terms with anybody. In this way, people grow up unable to conceive as possible to them a state of total disregard of other people's interests. They are under a necessity of conceiving themselves as at least abstaining from all the grosser injuries, and (if only for their own protection) living in a state of constant protest against them. They are also familiar with the fact of co-operating with others, and proposing to themselves a collective, not an individual, interest as the aim (at least for the time being) of their actions. So long as they are co-operating, their ends are identified with those of others: there is at least a temporary feeling that the interests of others are their own interests. Not only does all strengthening of social ties, and all healthy growth of society, give to each individual a stronger personal interest in practically consulting the welfare of others: it also leads him to identify his *feelings* more and more with their good, or at least with an ever greater degree

of practical consideration for it. He comes, as though instinctively, to be conscious of himself as a being who *of course* pays regard to others. The good of others becomes to him a thing naturally and necessarily to be attended to, like any of the physical conditions of our existence. Now, whatever amount of this feeling a person has, he is urged by the strongest motives, both of interest and of sympathy, to demonstrate it, and, to the utmost of his power, encourage it in others; and, even if he has none of it himself, he is as greatly interested as any one else that others should have it. Consequently, the smallest germs of the feeling are laid hold of and nourished by the contagion of sympathy and the influences of education, and a complete web of corroborative association is woven round it by the powerful agency of the external sanctions. This mode of conceiving ourselves and human life, as civilization goes on, is felt to be more and more natural. Every step in political improvement renders it more so, by removing the sources of opposition of interest, and levelling those inequalities of legal privilege between individuals or classes, owing to which there are large portions of mankind whose happiness it is still practicable to disregard. In an improving state of the human mind, the influences are constantly on the increase which tend to generate in each individual a feeling of unity with all the rest, which, if perfect, would make him never think of or desire any beneficial condition for himself, in the benefits of which they are not included. If we now suppose this feeling of unity to be taught as a religion, and the whole force of education, of institutions, and of opinion, directed, as it once was in the case of religion, to make

every person grow up from infancy surrounded on all sides both by the profession and the practice of it, I think that no one who can realize this conception will feel any misgiving about the sufficiency of the ultimate sanction for the Happiness morality. To any ethical student who finds the realization difficult, I recommend, as a means of facilitating it, the second of M. Comte's two principal works, the "*Traité de Politique Positive*." I entertain the strongest objections to the system of politics and morals set forth in that treatise: but I think it has superabundantly shown the possibility of giving to the service of humanity, even without the aid of belief in a Providence, both the psychological power and the social efficacy of a religion; making it take hold of human life, and color all thought, feeling, and action, in a manner of which the greatest ascendancy ever exercised by any religion may be but a type and foretaste, and of which the danger is, not that it should be insufficient, but that it should be so excessive as to interfere unduly with human freedom and individuality.

Neither is it necessary to the feeling which constitutes the binding force of the utilitarian morality on those who recognize it, to wait for those social influences which would make its obligation felt by mankind at large. In the comparatively early state of human advancement in which we now live, a person cannot indeed feel that entireness of sympathy with all others which would make any real discordance in the general direction of their conduct in life impossible; but already a person in whom the social feeling is at all developed cannot bring himself to think of the rest of his fellow-creatures as struggling rivals with him for the means of happi-



ness, whom he must desire to see defeated in their object in order that he may succeed in his. The deeply rooted conception which every individual even now has of himself as a social being tends to make him feel it one of his natural wants, that there should be harmony between his feelings and aims and those of his fellow-creatures. If differences of opinion and of mental culture make it impossible for him to share many of their actual feelings, — perhaps make him denounce and defy those feelings, — he still needs to be conscious that his real aim and theirs do not conflict; that he is not opposing himself to what they really wish for, — namely, their own good, — but is, on the contrary, promoting it. This feeling in most individuals is much inferior in strength to their selfish feelings, and is often wanting altogether. But, to those who have it, it possesses all the characters of a natural feeling. It does not present itself to their minds as a superstition of education, or a law despotically imposed by the power of society, but as an attribute which it would not be well for them to be without. This conviction is the ultimate sanction of the greatest-happiness morality. This it is which makes any mind of well-developed feelings work with, and not against, the outward motives to care for others, afforded by what I have called the external sanctions; and when those sanctions are wanting, or act in an opposite direction, constitutes in itself a powerful internal binding force, in proportion to the sensitiveness and thoughtfulness of the character: since few but those whose mind is a moral blank could bear to lay out their course of life on the plan of paying no regard to others, except so far as their own private interest compels.

## CHAPTER IV.

OF WHAT SORT OF PROOF THE PRINCIPLE OF UTILITY IS  
SUSCEPTIBLE.

It has already been remarked, that questions of ultimate ends do not admit of proof, in the ordinary acceptance of the term. To be incapable of proof by reasoning is common to all first principles; to the first premises of our knowledge, as well as to those of our conduct. But the former, being matters of fact, may be the subject of a direct appeal to the faculties which judge of fact; namely, our senses, and our internal consciousness. Can an appeal be made to the same faculties on questions of practical ends? Or by what other faculty is cognizance taken of them?

Questions about ends are, in other words, questions what things are desirable. The utilitarian doctrine is, that happiness is desirable, and the only thing desirable, as an end; all other things being only desirable as means to that end. What ought to be required of this doctrine — what conditions is it requisite that the doctrine should fulfil — to make good its claim to be believed?

The only proof capable of being given that an object is visible, is that people actually see it; the only proof that a sound is audible, is that people hear it: and so of the other sources of our experience. In like manner, I apprehend, the sole evidence it is possible to produce that any thing is desirable, is that people do actually desire it. If the end which the utilitarian doctrine proposes to itself were not, in theory and in

practice, acknowledged to be an end, nothing could ever convince any person that it was so. No reason can be given why the general happiness is desirable, except that each person, so far as he believes it to be attainable, desires his own happiness. This, however, being a fact, we have not only all the proof which the case admits of, but all which it is possible to require, that happiness is a good; that each person's happiness is a good to that person; and the general happiness, therefore, a good to the aggregate of all persons. Happiness has made out its title as *one* of the ends of conduct, and consequently one of the criteria of morality.

But it has not, by this alone, proved itself to be the sole criterion. To do that, it would seem, by the same rule, necessary to show, not only that people desire happiness, but that they never desire any thing else. Now, it is palpable that they do desire things, which, in common language, are decidedly distinguished from happiness. They desire, for example, virtue and the absence of vice, no less really than pleasure and the absence of pain. The desire of virtue is not as universal, but it is as authentic a fact, as the desire of happiness; and hence the opponents of the utilitarian standard deem that they have a right to infer that there are other ends of human action besides happiness, and that happiness is not the standard of approbation and disapprobation.

But does the utilitarian doctrine deny that people desire virtue, or maintain that virtue is not a thing to be desired? The very reverse. It maintains not only that virtue is to be desired, but that it is to be desired

disinterestedly, for itself. Whatever may be the opinion of utilitarian moralists as to the original conditions by which virtue is made virtue; however they may believe (as they do) that actions and dispositions are only virtuous because they promote another end than virtue, — yet this being granted, and it having been decided, from considerations of this description, what *is* virtuous, they not only place virtue at the very head of the things which are good as means to the ultimate end, but they also recognize, as a psychological fact, the possibility of its being, to the individual, a good in itself, without looking to any end beyond it; and hold that the mind is not in a right state, not in a state conformable to utility, not in the state most conducive to the general happiness, unless it does love virtue in this manner, — as a thing desirable in itself, even although, in the individual instance, it should not produce those other desirable consequences which it tends to produce, and on account of which it is held to be virtue. This opinion is not, in the smallest degree, a departure from the Happiness principle. The ingredients of happiness are very various, and each of them is desirable in itself, and not merely when considered as swelling an aggregate. The principle of utility does not mean that any given pleasure — as music, for instance — or any given exemption from pain — as, for example, health — are to be looked upon as means to a collective something termed happiness, and to be desired on that account. They are desired and desirable in and for themselves: besides being means, they are a part of the end. Virtue, according to the utilitarian doctrine, is not naturally and origi-

nally part of the end, but it is capable of becoming so, and, in those who love it disinterestedly, it has become so, and is desired and cherished, not as a means to happiness, but as a part of their happiness.

To illustrate this farther: we may remember that virtue is not the only thing, originally a means, and which, if it were not a means to any thing else, would be and remain indifferent, but which, by association with what it is a means to, comes to be desired for itself, and that, too, with the utmost intensity. What, for example, shall we say of the love of money? There is nothing originally more desirable about money than about any heap of glittering pebbles. Its worth is solely that of the things which it will buy; the desires for other things than itself, which it is a means of gratifying. Yet the love of money is not only one of the strongest moving forces of human life, but money is, in many cases, desired in and for itself: the desire to possess it is often stronger than the desire to use it, and goes on increasing when all the desires which point to ends beyond it, to be compassed by it, are falling off. It may, then, be said truly, that money is desired, not for the sake of an end, but as part of the end. From being a means to happiness, it has come to be itself a principal ingredient of the individual's conception of happiness. The same may be said of the majority of the great objects of human life, — power, for example, or fame; except that to each of these there is a certain amount of immediate pleasure annexed, which has at least the semblance of being naturally inherent in them: a thing which cannot be said of money. Still, however, the strongest natural attraction, both of power

and of fame, is the immense aid they give to the attainment of our other wishes ; and it is the strong association thus generated between them and all our objects of desire which gives to the direct desire of them the intensity it often assumes, so as in some characters to surpass in strength all other desires. In these cases, the means have become a part of the end, and a more important part of it than any of the things which they are means to. What was once desired as an instrument for the attainment of happiness has come to be desired for its own sake. In being desired for its own sake, it is, however, desired as *part* of happiness. The person is made, or thinks he would be made, happy by its mere possession, and is made unhappy by failure to obtain it. The desire of it is not a different thing from the desire of happiness, any more than the love of music or the desire of health. They are included in happiness. They are some of the elements of which the desire of happiness is made up. Happiness is not an abstract idea, but a concrete whole ; and these are some of its parts. And the utilitarian standard sanctions and approves their being so. Life would be a poor thing, very ill provided with sources of happiness, if there were not this provision of nature, by which things originally indifferent, but conducive to, or otherwise associated with, the satisfaction of our primitive desires, become in themselves sources of pleasure more valuable than the primitive pleasures, both in permanency, in the space of human existence that they are capable of covering, and even in intensity.

Virtue, according to the utilitarian conception, is a good of this description. There was no original desire

of it, or motive to it, save its conduciveness to pleasure, and especially to protection from pain. But, through the association thus formed, it may be felt a good in itself, and desired as such with as great intensity as any other good; and with this difference between it and the love of money, of power, or of fame, — that all of these may, and often do, render the individual noxious to the other members of the society to which he belongs, whereas there is nothing which makes him so much a blessing to them as the cultivation of the disinterested love of virtue. And consequently the utilitarian standard, while it tolerates and approves those other acquired desires, up to the point beyond which they would be more injurious to the general happiness than promotive of it, enjoins and requires the cultivation of the love of virtue up to the greatest strength possible, as being above all things important to the general happiness.

It results from the preceding considerations, that there is in reality nothing desired except happiness. Whatever is desired otherwise than as a means to some end beyond itself, and ultimately to happiness, is desired as itself a part of happiness, and is not desired for itself until it has become so. Those who desire virtue for its own sake, desire it either because the consciousness of it is a pleasure, or because the consciousness of being without it is a pain, or for both reasons united: as in truth the pleasure and pain seldom exist separately, but almost always together; the same person feeling pleasure in the degree of virtue attained, and pain in not having attained more. If one of these gave him no pleasure, and the other no

pain, he would not love or desire virtue, or would desire it only for the other benefits which it might produce to himself or to persons whom he cared for.

We have now, then, an answer to the question, of what sort of proof the principle of utility is susceptible. If the opinion which I have now stated is psychologically true; if human nature is so constituted as to desire nothing which is not either a part of happiness or a means of happiness, — we can have no other proof, and we require no other, that these are the only things desirable. If so, happiness is the sole end of human action, and the promotion of it the test by which to judge of all human conduct; from whence it necessarily follows that it must be the criterion of morality, since a part is included in the whole.

And, now, to decide whether this is really so; whether mankind do desire nothing for itself but that which is a pleasure to them, or of which the absence is a pain, — we have evidently arrived at a question of fact and experience, dependent, like all similar questions, upon evidence. It can only be determined by practised self-consciousness and self-observation, assisted by observation of others. I believe that these sources of evidence, impartially consulted, will declare that desiring a thing and finding it pleasant, aversion to it and thinking of it as painful, are phenomena entirely inseparable, or rather two parts of the same phenomenon, — in strictness of language, two different modes of naming the same psychological fact; that to think of an object as desirable (unless for the sake of its consequences), and to think of it as pleasant, are one and the same thing; and that to desire any thing, except in propor-



tion as the idea of it is pleasant, is a physical and metaphysical impossibility.

So obvious does this appear to me, that I expect it will hardly be disputed : and the objection made will be, not that desire can possibly be directed to any thing ultimately except pleasure, and exemption from pain, but that the will is a different thing from desire ; that a person of confirmed virtue, or any other person whose purposes are fixed, carries out his purposes without any thought of the pleasure he has in contemplating them, or expects to derive from their fulfilment ; and persists in acting on them, even though these pleasures are much diminished by changes in his character, or decay of his passive sensibilities, or are outweighed by the pains which the pursuit of the purposes may bring upon him. All this I fully admit, and have stated it elsewhere as positively and emphatically as any one. Will, the active phenomenon, is a different thing from desire, the state of passive sensibility, and, though originally an offshoot from it, may in time take root, and detach itself from the parent stock ; so much so, that in the case of an habitual purpose, instead of willing the thing because we desire it, we often desire it only because we will it. This, however, is but an instance of that familiar fact, the power of habit, and is nowise confined to the case of virtuous actions. Many indifferent things, which men originally did from a motive of some sort, they continue to do from habit. Sometimes this is done unconsciously, the consciousness coming only after the action ; at other times with conscious volition, but volition which has become habitual, and is put in operation by the force of habit, in oppo-

sition, perhaps, to the deliberate preference, as often happens with those who have contracted habits of vicious or hurtful indulgence. Third and last comes the case in which the habitual act of will in the individual instance is not in contradiction to the general intention prevailing at other times, but in fulfilment of it; as in the case of the person of confirmed virtue, and of all who pursue deliberately and consistently any determinate end. The distinction between will and desire, thus understood, is an authentic and highly important psychological fact; but the fact consists solely in this, — that will, like all other parts of our constitution, is amenable to habit, and that we may will from habit what we no longer desire for itself, or desire only because we will it. It is not the less true, that will, in the beginning, is entirely produced by desire; including in that term the repelling influence of pain, as well as the attractive one of pleasure. Let us take into consideration no longer the person who has a confirmed will to do right, but him in whom that virtuous will is still feeble, conquerable by temptation, and not to be fully relied on: by what means can it be strengthened? How can the will to be virtuous, where it does not exist in sufficient force, be implanted or awakened? Only by making the person *desire* virtue; by making him think of it in a pleasurable light, or of its absence in a painful one. It is by associating the doing right with pleasure, or the doing wrong with pain, or by eliciting and impressing and bringing home to the person's experience the pleasure naturally involved in the one or the pain in the other, that it is possible to call forth that will to be virtuous, which,

when confirmed, acts without any thought of either pleasure or pain. Will is the child of desire, and passes out of the dominion of its parent only to come under that of habit. That which is the result of habit affords no presumption of being intrinsically good; and there would be no reason for wishing that the purpose of virtue should become independent of pleasure and pain, were it not that the influence of the pleasurable and painful associations which prompt to virtue is not sufficiently to be depended on for unerring constancy of action until it has acquired the support of habit. Both in feeling and in conduct, habit is the only thing which imparts certainty; and it is because of the importance to others of being able to rely absolutely on one's feelings and conduct, and to one's self of being able to rely on one's own, that the will to do right ought to be cultivated into this habitual independence. In other words, this state of the will is a means to good, not intrinsically a good; and does not contradict the doctrine, that nothing is a good to human beings but in so far as it is either itself pleasurable, or a means of attaining pleasure or averting pain.

But, if this doctrine be true, the principle of utility is proved. Whether it is so or not, must now be left to the consideration of the thoughtful reader.



## CHAPTER V.

### ON THE CONNECTION BETWEEN JUSTICE AND UTILITY.

IN all ages of speculation, one of the strongest obstacles to the reception of the doctrine, that Utility or

Happiness is the criterion of right and wrong, has been drawn from the idea of Justice. The powerful sentiment and apparently clear perception which that word recalls, with a rapidity and certainty resembling an instinct, have seemed to the majority of thinkers to point to an inherent quality in things; to show that the Just must have an existence in nature as something absolute, generically distinct from every variety of the Expedient, and, in idea, opposed to it, though (as is commonly acknowledged) never, in the long-run, disjoined from it in fact.

In the case of this, as of our other moral sentiments, there is no necessary connection between the question of its origin and that of its binding force. That a feeling is bestowed on us by nature does not necessarily legitimate all its promptings. The feeling of justice might be a peculiar instinct, and might yet require, like our other instincts, to be controlled and enlightened by a higher reason. If we have intellectual instincts leading us to judge in a particular way, as well as animal instincts that prompt us to act in a particular way, there is no necessity that the former should be more infallible in their sphere than the latter in theirs: it may as well happen that wrong judgments are occasionally suggested by those, as wrong actions by these. But though it is one thing to believe that we have natural feelings of justice, and another to acknowledge them as an ultimate criterion of conduct, these two opinions are very closely connected in point of fact. Mankind are always predisposed to believe that any subjective feeling, not otherwise accounted for, is a revelation of some objective reality. Our present object is to deter-

mine whether the reality, to which the feeling of justice corresponds, is one which needs any such special revelation; whether the justice or injustice of an action is a thing intrinsically peculiar, and distinct from all its other qualities, or only a combination of certain of those qualities, presented under a peculiar aspect. For the purpose of this inquiry, it is practically important to consider, whether the feeling itself, of justice and injustice, is *sui generis* like our sensations of color and taste, or a derivative feeling, formed by a combination of others. And this it is the more essential to examine, as people are in general willing enough to allow, that, objectively, the dictates of Justice coincide with a part of the field of General Expediency; but inasmuch as the subjective mental feeling of Justice is different from that which commonly attaches to simple expediency, and, except in the extreme cases of the latter, is far more imperative in its demands, people find it difficult to see, in Justice, only a particular kind or branch of general utility, and think that its superior binding force requires a totally different origin.

To throw light upon this question, it is necessary to attempt to ascertain what is the distinguishing character of justice, or of injustice; what is the quality, or whether there is any quality, attributed in common to all modes of conduct designated as unjust (for justice, like many other moral attributes, is best defined by its opposite), and distinguishing them from such modes of conduct as are disapproved, but without having that particular epithet of disapprobation applied to them. If, in every thing which men are accustomed to characterize as just or unjust, some one common

attribute, or collection of attributes, is always present, we may judge whether this particular attribute, or combination of attributes, would be capable of gathering round it a sentiment of that peculiar character and intensity by virtue of the general laws of our emotional constitution ; or whether the sentiment is inexplicable, and requires to be regarded as a special provision of nature. If we find the former to be the case, we shall, in resolving this question, have resolved also the main problem ; if the latter, we shall have to seek for some other mode of investigating it.

To find the common attributes of a variety of objects, it is necessary to begin by surveying the objects themselves in the concrete. Let us therefore advert successively to the various modes of action, and arrangements of human affairs, which are classed, by universal or widely spread opinion, as Just or as Unjust. The things well known to excite the sentiments associated with those names are of a very multifarious character. I shall pass them rapidly in review, without studying any particular arrangement.

In the first place, it is mostly considered unjust to deprive any one of his personal liberty, his property, or any other thing which belongs to him by law. Here, therefore, is one instance of the application of the terms Just and Unjust in a perfectly definite sense ; namely, that it is just to respect, unjust to violate, the *legal rights* of any one. But this judgment admits of several exceptions, arising from the other forms in which the notions of justice and injustice present themselves. For example : the person who suffers the deprivation

may (as the phrase is) have *forfeited* the rights which he is so deprived of; a case to which we shall return presently. But also, —

Secondly, The legal rights of which he is deprived may be rights which *ought* not to have belonged to him: in other words, the law which confers on him these rights may be a bad law. When it is so, or when (which is the same thing for our purpose) it is supposed to be so, opinions will differ as to the justice or injustice of infringing it. Some maintain that no law, however bad, ought to be disobeyed by an individual citizen; that his opposition to it, if shown at all, should only be shown in endeavoring to get it altered by competent authority. This opinion (which condemns many of the most illustrious benefactors of mankind, and would often protect pernicious institutions against the only weapons, which, in the state of things existing at the time, have any chance of succeeding against them) is defended, by those who hold it, on grounds of expediency; principally on that of the importance, to the common interest of mankind, of maintaining inviolate the sentiment of submission to law. Other persons, again, hold the directly contrary opinion, that any law, judged to be bad, may blamelessly be disobeyed, even though it be not judged to be unjust, but only inexpedient; while others would confine the license of disobedience to the case of unjust laws. But, again, some say that all laws which are inexpedient are unjust, since every law imposes some restriction on the natural liberty of mankind; which restriction is an injustice, unless legitimated by tending to their good. Among these diversities of opinion, it seems

to be universally admitted that there may be unjust laws, and that law, consequently, is not the ultimate criterion of justice, but may give to one person a benefit, or impose on another an evil, which justice condemns. When, however, a law is thought to be unjust, it seems always to be regarded as being so in the same way in which a breach of law is unjust, — namely, by infringing somebody's right; which, as it cannot in this case be a legal right, receives a different appellation, and is called a moral right. We may say, therefore, that a second case of injustice consists in taking or withholding from any person that to which he has a *moral right*.

Thirdly, It is universally considered just, that each person should obtain that (whether good or evil) which he *deserves*; and unjust, that he should obtain a good, or be made to undergo an evil, which he does not deserve. This is, perhaps, the clearest and most emphatic form in which the idea of justice is conceived by the general mind. As it involves the notion of desert, the question arises, What constitutes desert? Speaking in a general way, a person is understood to deserve good if he does right; evil, if he does wrong: and, in a more particular sense, to deserve good from those to whom he does or has done good, and evil from those to whom he does or has done evil. The precept of returning good for evil has never been regarded as a case of the fulfilment of justice, but as one in which the claims of justice are waived, in obedience to other considerations.

Fourthly, It is confessedly unjust to *break faith* with any one; to violate an engagement, either express or



implied ; or disappoint expectations raised by our own conduct, at least if we have raised those expectations knowingly and voluntarily. Like the other obligations of justice already spoken of, this one is not regarded as absolute, but as capable of being overruled by a stronger obligation of justice on the other side, or by such conduct on the part of the person concerned as is deemed to absolve us from our obligation to him, and to constitute a *forfeiture* of the benefit which he has been led to expect.

Fifthly, It is, by universal admission, inconsistent with justice to be *partial*; to show favor or preference to one person over another in matters to which favor and preference do not properly apply. Impartiality, however, does not seem to be regarded as a duty in itself, but rather as instrumental to some other duty ; for it is admitted that favor and preference are not always censurable, and indeed the cases in which they are condemned are rather the exception than the rule. A person would be more likely to be blamed than applauded for giving his family or friends no superiority in good offices over strangers, when he could do so without violating any other duty ; and no one thinks it unjust to seek one person in preference to another as a friend, connection, or companion. Impartiality, where rights are concerned, is of course obligatory ; but this is involved in the more general obligation of giving to every one his right. A tribunal, for example, must be impartial, because it is bound to award, without regard to any other consideration, a disputed object to the one of two parties who has the right to it. There are other cases in which impartiality means, being solely

influenced by desert ; as with those who, in the capacity of judges, preceptors, or parents, administer reward and punishment as such. There are cases, again, in which it means being solely influenced by consideration for the public interest ; as in making a selection among candidates for a government employment. Impartiality, in short, as an obligation of justice, may be said to mean being exclusively influenced by the considerations which it is supposed ought to influence the particular case in hand, and resisting the solicitation of any motives which prompt to conduct different from what those considerations would dictate.

Nearly allied to the idea of impartiality is that of *equality* ; which often enters as a component part both into the conception of justice and into the practice of it, and, in the eyes of many persons, constitutes its essence. But, in this still more than in any other case, the notion of justice varies in different persons, and always conforms in its variations to their notion of utility. Each person maintains that equality is the dictate of justice, except where he thinks that expediency requires inequality. The justice of giving equal protection to the rights of all is maintained by those who support the most outrageous inequality in the rights themselves. Even in slave countries, it is theoretically admitted that the rights of the slave, such as they are, ought to be as sacred as those of the master, and that a tribunal which fails to enforce them with equal strictness is wanting in justice ; while, at the same time, institutions which leave to the slave scarcely any rights to enforce are not deemed unjust, because they are not deemed inexpedient. Those who think that utility requires distinc-

tions of rank do not consider it unjust that riches and social privileges should be unequally dispensed; but those who think this inequality inexpedient think it unjust also. Whoever thinks that government is necessary sees no injustice in as much inequality as is constituted by giving to the magistrate powers not granted to other people. Even among those who hold levelling doctrines, there are as many questions of justice as there are differences of opinion about expediency. Some Communists consider it unjust that the produce of the labor of the community should be shared on any other principle than that of exact equality; others think it just that those should receive most whose wants are greatest; while others hold that those who work harder, or who produce more, or whose services are more valuable to the community, may justly claim a larger quota in the division of the produce. And the sense of natural justice may be plausibly appealed to in behalf of every one of these opinions.

Among so many diverse applications of the term Justice, which yet is not regarded as ambiguous, it is a matter of some difficulty to seize the mental link which holds them together, and on which the moral sentiment adhering to the term essentially depends. Perhaps, in this embarrassment, some help may be derived from the history of the word, as indicated by its etymology.

In most, if not in all languages, the etymology of the word which corresponds to Just points distinctly to an origin connected with the ordinances of law. *Justum* is a form of *jussum*,—that which has been ordered. *Δίκαιον* comes directly from *δίκη*, a suit at law

*Recht*, from which came *right* and *righteous*, is synonymous with law. The courts of justice, the administration of justice, are the courts and the administration of law. *La justice*, in French, is the established term for judicature. I am not committing the fallacy imputed with some show of truth to Horne Tooke, of assuming that a word must still continue to mean what it originally meant. Etymology is slight evidence of what the idea now signified is, but the very best evidence of how it sprang up. There can, I think, be no doubt that the *idée mère*, the primitive element, in the formation of the notion of justice, was conformity to law. It constituted the entire idea among the Hebrews up to the birth of Christianity; as might be expected in the case of a people whose laws attempted to embrace all subjects on which precepts were required, and who believed those laws to be a direct emanation from the Supreme Being. But other nations, and in particular the Greeks and Romans, who knew that their laws had been made originally, and still continued to be made, by men, were not afraid to admit that those men might make bad laws; might do, by law, the same things, and from the same motives, which, if done by individuals without the sanction of law, would be called unjust. And hence the sentiment of injustice came to be attached, not to all violations of law, but only to violations of such laws as *ought* to exist, including such as ought to exist, but do not; and to laws themselves, if supposed to be contrary to what ought to be law. In this manner, the idea of law and of its injunctions was still predominant in the notion of justice, even when the laws actually in force ceased to be accepted as the standard of it.

It is true that mankind consider the idea of justice and its obligations as applicable to many things which neither are, nor is it desired that they should be, regulated by law. Nobody desires that laws should interfere with the whole detail of private life; yet every one allows, that, in all daily conduct, a person may and does show himself to be either just or unjust. But, even here, the idea of the breach of what ought to be law still lingers in a modified shape. It would always give us pleasure, and chime in with our feelings of fitness, that acts which we deem unjust should be punished, though we do not always think it expedient that this should be done by the tribunals. We forego that gratification on account of incidental inconveniences. We should be glad to see just conduct enforced, and injustice repressed, even in the minutest details, if we were not with reason afraid of trusting the magistrate with so unlimited an amount of power over individuals. When we think that a person is bound in justice to do a thing, it is an ordinary form of language to say, that he ought to be compelled to do it. We should be gratified to see the obligation enforced by anybody who had the power. If we see that its enforcement by law would be inexpedient, we lament the impossibility, we consider the impunity given to injustice as an evil, and strive to make amends for it by bringing a strong expression of our own and the public disapprobation to bear upon the offender. Thus the idea of legal constraint is still the generating idea of the notion of justice, though undergoing several transformations before that notion, as it exists in an advanced state of society, becomes complete.

The above is, I think, a true account, as far as it goes, of the origin and progressive growth of the idea of justice. But we must observe, that it contains, as yet, nothing to distinguish that obligation from moral obligation in general. For the truth is, that the idea of penal sanction, which is the essence of law, enters not only into the conception of injustice, but into that of any kind of wrong. We do not call any thing wrong, unless we mean to imply that a person ought to be punished in some way or other for doing it ; if not by law, by the opinion of his fellow-creatures ; if not by opinion, by the reproaches of his own conscience. This seems the real turning-point of the distinction between morality and simple expediency. It is a part of the notion of Duty in every one of its forms, that a person may rightfully be compelled to fulfil it. Duty is a thing which may be *exacted* from a person, as one exacts a debt. Unless we think that it may be exacted from him, we do not call it his duty. Reasons of prudence, or the interest of other people, may militate against actually exacting it ; but the person himself, it is clearly understood, would not be entitled to complain. There are other things, on the contrary, which we wish that people should do, which we like or admire them for doing, perhaps dislike or despise them for not doing, but yet admit that they are not bound to do : it is not a case of moral obligation : we do not blame them ; that is, we do not think that they are proper objects of punishment. How we come by these ideas of deserving and not deserving punishment, will appear, perhaps, in the sequel : but I think there is no doubt that this distinction lies at the bottom of the notions of right and

wrong; that we call any conduct wrong, or employ instead some other term of dislike or disparagement, according as we think that the person ought, or ought not, to be punished for it; and we say it would be right to do so and so, or merely that it would be desirable or laudable, according as we would wish to see the person whom it concerns compelled, or only persuaded and exhorted, to act in that manner.\*

This, therefore, being the characteristic difference which marks off, not justice, but morality in general, from the remaining provinces of Expediency and Worthiness, the character is still to be sought which distinguishes justice from other branches of morality. Now, it is known that ethical writers divide moral duties into two classes, denoted by the ill-chosen expressions, duties of perfect and of imperfect obligation: the latter being those in which, though the act is obligatory, the particular occasions of performing it are left to our choice; as in the case of charity or beneficence, which we are indeed bound to practise, but not towards any definite person, nor at any prescribed time. In the more precise language of philosophic jurists, duties of perfect obligation are those duties in virtue of which a correlative *right* resides in some person or persons: duties of imperfect obligation are those moral obligations which do not give birth to any right. I think it will be found that this distinction exactly coincides with that which exists between justice and the other obligations of

\* See this point enforced and illustrated by Professor Bain, in an admirable chapter (entitled "The Ethical Emotions, or the Moral Sense") of the second of the two treatises composing his elaborate and profound work on the Mind.

morality. In our survey of the various popular acceptations of justice, the term appeared generally to involve the idea of a personal right, — a claim on the part of one or more individuals, like that which the law gives when it confers a proprietary or other legal right. Whether the injustice consists in depriving a person of a possession, or in breaking faith with him, or in treating him worse than he deserves, or worse than other people who have no greater claims, in each case the supposition implies two things, — a wrong done, and some assignable person who is wronged. Injustice may also be done by treating a person better than others; but the wrong in this case is to his competitors, who are also assignable persons. It seems to me that this feature in the case — a right in some person, correlative to the moral obligation — constitutes the specific difference between justice, and generosity or beneficence. Justice implies something which it is not only right to do, and wrong not to do, but which some individual person can claim from us as his moral right. No one has a moral right to our generosity or beneficence, because we are not morally bound to practise those virtues towards any given individual. And it will be found, with respect to this as to every correct definition, that the instances which seem to conflict with it are those which most confirm it; for if a moralist attempts, as some have done, to make out that mankind generally, though not any given individual, have a right to all the good we can do them, he at once, by that thesis, includes generosity and beneficence within the category of justice. He is obliged to say that our utmost exertions are *due* to our fellow-creatures, thus assimilating



them to a debt ; or that nothing less can be a sufficient *return* for what society does for us, thus classing the case as one of gratitude ; both of which are acknowledged cases of justice. Wherever there is a right, the case is one of justice, and not of the virtue of beneficence ; and whoever does not place the distinction between justice and morality in general where we have now placed it will be found to make no distinction between them at all, but to merge all morality in justice.

Having thus endeavored to determine the distinctive elements which enter into the composition of the idea of justice, we are ready to enter on the inquiry, whether the feeling which accompanies the idea is attached to it by a special dispensation of nature, or whether it could have grown up by any known laws out of the idea itself ; and, in particular, whether it can have originated in considerations of general expediency.

I conceive that the sentiment itself does not arise from any thing which would commonly or correctly be termed an idea of expediency ; but that, though the sentiment does not, whatever is moral in it does.

We have seen that the two essential ingredients in the sentiment of justice are the desire to punish a person who has done harm, and the knowledge or belief that there is some definite individual or individuals to whom harm has been done.

Now, it appears to me that the desire to punish a person who has done harm to some individual is a spontaneous outgrowth from two sentiments, both in the highest degree natural, and which either are or resemble

instincts, — the impulse of self-defence, and the feeling of sympathy.

It is natural to resent, and to repel or retaliate, any harm done or attempted against ourselves, or against those with whom we sympathize. The origin of this sentiment it is not necessary here to discuss. Whether it be an instinct, or a result of intelligence, it is, we know, common to all animal nature; for every animal tries to hurt those who have hurt, or who it thinks are about to hurt, itself or its young. Human beings, on this point, only differ from other animals in two particulars: first, in being capable of sympathizing, not solely with their offspring, or, like some of the more noble animals, with some superior animal who is kind to them, but with all human, and even with all sentient beings; secondly, in having a more developed intelligence, which gives a wider range to the whole of their sentiments, whether self-regarding or sympathetic. By virtue of his superior intelligence, even apart from his superior range of sympathy, a human being is capable of apprehending a community of interest between himself and the human society of which he forms a part, such that any conduct which threatens the security of the society generally is threatening to his own, and calls forth his instinct (if instinct it be) of self-defence. The same superiority of intelligence, joined to the power of sympathizing with human beings generally, enables him to attach himself to the collective idea of his tribe, his country, or mankind, in such a manner that any act hurtful to them raises his instinct of sympathy, and urges him to resistance.

The sentiment of justice, in that one of its elements

which consists of the desire to punish, is thus, I conceive, the natural feeling of retaliation, or vengeance, rendered by intellect and sympathy applicable to those injuries—that is, to those hurts—which wound us through, or in common with, society at large. This sentiment in itself has nothing moral in it: what is moral is, the exclusive subordination of it to the social sympathies, so as to wait on and obey their call. For the natural feeling would make us resent indiscriminately whatever any one does that is disagreeable to us; but, when moralized by the social feeling, it only acts in the directions conformable to the general good: just persons resenting a hurt to society, though not otherwise a hurt to themselves, and not resenting a hurt to themselves, however painful, unless it be of the kind which society has a common interest with them in the repression of.

It is no objection against this doctrine to say, that, when we feel our sentiment of justice outraged, we are not thinking of society at large, or of any collective interest, but only of the individual case. It is common enough, certainly, though the reverse of commendable, to feel resentment merely because we have suffered pain; but a person whose resentment is really a moral feeling,—that is, who considers whether an act is blamable before he allows himself to resent it,—such a person, though he may not say expressly to himself that he is standing up for the interest of society, certainly does feel that he is asserting a rule which is for the benefit of others as well as for his own. If he is not feeling this; if he is regarding the act solely as it affects him individually,—he is not consciously just; he is not

concerning himself about the justice of his actions. This is admitted even by anti-utilitarian moralists. When Kant (as before remarked) propounds as the fundamental principle of morals, "So act that thy rule of conduct might be adopted as a law by all rational beings," he virtually acknowledges that the interest of mankind collectively, or at least of mankind indiscriminately, must be in the mind of the agent when conscientiously deciding on the morality of the act. Otherwise he uses words without a meaning; for that a rule even of utter selfishness could not *possibly* be adopted by all rational beings — that there is any insuperable obstacle in the nature of things to its adoption — cannot be even plausibly maintained. To give any meaning to Kant's principle, the sense put upon it must be, that we ought to shape our conduct by a rule which all rational beings might adopt *with benefit to their collective interest*.

To recapitulate: the idea of justice supposes two things, — a rule of conduct, and a sentiment which sanctions the rule. The first must be supposed common to all mankind, and intended for their good: the other (the sentiment) is a desire that punishment may be suffered by those who infringe the rule. There is involved, in addition, the conception of some definite person who suffers by the infringement; whose rights (to use the expression appropriated to the case) are violated by it. And the sentiment of justice appears to me to be, the animal desire to repel or retaliate a hurt or damage to one's self, or to those with whom one sympathizes, widened so as to include all persons, by the human capacity of enlarged sympathy, and the human conception

of intelligent self-interest. From the latter elements, the feeling derives its morality; from the former, its peculiar impressiveness and energy of self-assertion.

I have, throughout, treated the idea of a *right* residing in the injured person, and violated by the injury, not as a separate element in the composition of the idea and sentiment, but as one of the forms in which the other two elements clothe themselves. These elements are, a hurt to some assignable person or persons on the one hand, and a demand for punishment on the other. An examination of our own minds, I think, will show that these two things include all that we mean when we speak of violation of a right. When we call any thing a person's right, we mean that he has a valid claim on society to protect him in the possession of it, either by the force of law, or by that of education and opinion. If he has what we consider a sufficient claim, on whatever account, to have something guaranteed to him by society, we say that he has a right to it. If we desire to prove that any thing does not belong to him by right, we think this done as soon as it is admitted that society ought not to take measures for securing it to him, but should leave him to chance, or to his own exertions. Thus a person is said to have a right to what he can earn in fair professional competition, because society ought not to allow any other person to hinder him from endeavoring to earn in that manner as much as he can. But he has not a right to three hundred a year, though he may happen to be earning it, because society is not called on to provide that he shall earn that sum. On the contrary, if he owns ten thousand pounds three-per-cent stock, he *has* a right to three hundred a year, be-

cause society has come under an obligation to provide him with an income of that amount.

To have a right, then, is, I conceive, to have something which society ought to defend me in the possession of. If the objector goes on to ask why it ought, I can give him no other reason than general utility. If that expression does not seem to convey a sufficient feeling of the strength of the obligation, nor to account for the peculiar energy of the feeling, it is because there goes to the composition of the sentiment, not a rational only, but also an animal element, — the thirst for retaliation ; and this thirst derives its intensity, as well as its moral justification, from the extraordinarily important and impressive kind of utility which is concerned. The interest involved is that of security ; to every one's feelings, the most vital of all interests. All other earthly benefits are needed by one person, not needed by another ; and many of them can, if necessary, be cheerfully foregone, or replaced by something else. But security no human being can possibly do without : on it we depend for all our immunity from evil, and for the whole value of all and every good, beyond the passing moment ; since nothing but the gratification of the instant could be of any worth to us if we could be deprived of every thing the next instant by whoever was momentarily stronger than ourselves. Now, this most indispensable of all necessities, after physical nutriment, cannot be had, unless the machinery for providing it is kept unintermittedly in active play. Our notion, therefore, of the claim we have on our fellow-creatures to join in making safe for us the very groundwork of our existence, gathers feelings

around it so much more intense than those concerned in any of the more common cases of utility, that the difference in degree (as is often the case in psychology) becomes a real difference in kind. The claim assumes that character of absoluteness, that apparent infinity, and incommensurability with all other considerations, which constitute the distinction between the feeling of right and wrong and that of ordinary expediency and in expediency. The feelings concerned are so powerful, and we count so positively on finding a responsive feeling in others (all being alike interested), that *ought* and *should* grow into *must*, and recognized indispensability becomes a moral necessity, analogous to physical, and often not inferior to it in binding force.

If the preceding analysis, or something resembling it, be not the correct account of the notion of justice; if justice be totally independent of utility, and be a standard *per se*, which the mind can recognize by simple introspection of itself, — it is hard to understand why that internal oracle is so ambiguous, and why so many things appear either just or unjust, according to the light in which they are regarded.

We are continually informed that Utility is an uncertain standard, which every different person interprets differently; and that there is no safety but in the immutable, ineffaceable, and unmistakable dictates of Justice, which carry their evidence in themselves, and are independent of the fluctuations of opinion. One would suppose from this, that, on questions of justice, there could be no controversy; that, if we take that for our

rule, its application to any given case could leave us in as little doubt as a mathematical demonstration. So far is this from being the fact, that there is as much difference of opinion and as much discussion about what is just as about what is useful to society. Not only have different nations and individuals different notions of justice, but, in the mind of one and the same individual, justice is not some one rule, principle, or maxim, but many, which do not always coincide in their dictates, and, in choosing between which, he is guided either by some extraneous standard, or by his own personal predilections.

For instance : there are some who say that it is unjust to punish any one for the sake of example to others ; that punishment is just, only when intended for the good of the sufferer himself. Others maintain the extreme reverse ; contending that to punish persons who have attained years of discretion, for their own benefit, is despotism and injustice ; since, if the matter at issue is solely their own good, no one has a right to control their own judgment of it ; but that they may justly be punished to prevent evil to others, this being the exercise of the legitimate right of self-defence. Mr. Owen, again, affirms that it is unjust to punish at all ; for the criminal did not make his own character : his education, and the circumstances which surrounded him, have made him a criminal ; and for these he is not responsible. All these opinions are extremely plausible ; and so long as the question is argued as one of justice simply, without going down to the principles which lie under justice, and are the source of its authority, I am unable to see how any of these reasoners



can be refuted. For, in truth, every one of the three builds upon rules of justice confessedly true. The first appeals to the acknowledged injustice of singling out an individual, and making him a sacrifice, without his consent, for other people's benefit. The second relies on the acknowledged justice of self-defence, and the admitted injustice of forcing one person to conform to another's notions of what constitutes his good. The Owenite invokes the admitted principle, that it is unjust to punish any one for what he cannot help. Each is triumphant so long as he is not compelled to take into consideration any other maxims of justice than the one he has selected ; but, as soon as their several maxims are brought face to face, each disputant seems to have exactly as much to say for himself as the others. No one of them can carry out his own notion of justice without trampling upon another equally binding. These are difficulties ; they have always been felt to be such ; and many devices have been invented to turn rather than to overcome them. As a refuge from the last of the three, men imagined what they called the "freedom of the will ;" fancying that they could not justify punishing a man whose will is in a thoroughly hateful state, unless it be supposed to have come into that state through no influence of anterior circumstances. To escape from the other difficulties, a favorite contrivance has been the fiction of a contract, whereby at some unknown period all the members of society engaged to obey the laws, and consented to be punished for any disobedience to them ; thereby giving to their legislators the right, which it is assumed they would not otherwise have had, of punishing them, either for their own good

or for that of society. This happy thought was considered to get rid of the whole difficulty, and to legitimate the infliction of punishment, in virtue of another received maxim of justice, *Volenti non fit injuria*, "That is not unjust which is done with the consent of the person who is supposed to be hurt by it." I need hardly remark, that, even if the consent were not a mere fiction, this maxim is not superior in authority to the others which it is brought in to supersede. It is, on the contrary, an instructive specimen of the loose and irregular manner in which supposed principles of justice grow up. This particular one evidently came into use as a help to the coarse exigencies of courts of law, which are sometimes obliged to be content with very uncertain presumptions, on account of the greater evils which would often arise from any attempt on their part to cut finer. But even courts of law are not able to adhere consistently to the maxim; for they allow voluntary engagements to be set aside on the ground of fraud, and sometimes on that of mere mistake or misinformation.

Again: when the legitimacy of inflicting punishment is admitted, how many conflicting conceptions of justice come to light in discussing the proper apportionment of punishments to offences! No rule on the subject recommends itself so strongly to the primitive and spontaneous sentiment of justice, as the *lex talionis*, "An eye for an eye, and a tooth for a tooth." Though this principle of the Jewish and of the Mahometan law has been generally abandoned in Europe as a practical maxim, there is, I suspect, in most minds, a secret hankering after it; and, when retribution accidentally

falls on an offender in that precise shape, the general feeling of satisfaction evinced bears witness how natural is the sentiment to which this repayment in kind is acceptable. With many, the test of justice in penal infliction is that the punishment should be proportioned to the offence, — meaning that it should be exactly measured by the moral guilt of the culprit (whatever be their standard for measuring moral guilt); the consideration, what amount of punishment is necessary to deter from the offence, having nothing to do with the question of justice, in their estimation: while there are others to whom that consideration is all in all; who maintain that it is not just, at least for man, to inflict on a fellow-creature, whatever may be his offences, any amount of suffering beyond the least that will suffice to prevent him from repeating, and others from imitating, his misconduct.

To take another example from a subject already once referred to. In a co-operative industrial association, is it just or not that talent or skill should give a title to superior remuneration? On the negative side of the question it is argued, that whoever does the best he can deserves equally well, and ought not in justice to be put in a position of inferiority for no fault of his own; that superior abilities have already advantages more than enough, in the admiration they excite, the personal influence they command, and the internal sources of satisfaction attending them, without adding to these a superior share of the world's goods; and that society is bound in justice rather to make compensation to the less favored, for this unmerited inequality of advantages, than to aggravate it. On the contrary

side it is contended, that society receives more from the more efficient laborer ; that, his services being more useful, society owes him a larger return for them ; that a greater share of the joint result is actually his work, and not to allow his claim to it is a kind of robbery ; that, if he is only to receive as much as others, he can only be justly required to produce as much, and to give a smaller amount of time and exertion, proportioned to his superior efficiency. Who shall decide between these appeals to conflicting principles of justice ? Justice has in this case two sides to it, which it is impossible to bring into harmony ; and the two disputants have chosen opposite sides : the one looks to what it is just that the individual should receive ; the other, to what it is just that the community should give. Each, from his own point of view, is unanswerable ; and any choice between them, on grounds of justice, must be perfectly arbitrary. Social utility alone can decide the preference.

How many, again, and how irreconcilable, are the standards of justice to which reference is made in discussing the repartition of taxation ! One opinion is, that payment to the State should be in numerical proportion to pecuniary means. Others think that justice dictates what they term "graduated taxation," —taking a higher percentage from those who have more to spare. In point of natural justice, a strong case might be made for disregarding means altogether, and taking the same absolute sum (whenever it could be got) from every one ; as the subscribers to a mess, or to a club, all pay the same sum for the same privileges, whether they can all equally afford it or not. Since

the protection (it might be said) of law and government is afforded to and is equally required by all, there is no injustice in making all buy it at the same price. It is reckoned justice, not injustice, that a dealer should charge to all customers the same price for the same article; not a price varying according to their means of payment. This doctrine, as applied to taxation, finds no advocates, because it conflicts so strongly with man's feelings of humanity and of social expediency; but the principle of justice which it invokes is as true and as binding as those which can be appealed to against it. Accordingly, it exerts a tacit influence on the line of defence employed for other modes of assessing taxation. People feel obliged to argue that the State does more for the rich than for the poor, as a justification for its taking more from them: though this is in reality not true; for the rich would be far better able to protect themselves, in the absence of law or government, than the poor, and indeed would probably be successful in converting the poor into their slaves. Others, again, so far defer to the same conception of justice as to maintain that all should pay an equal capitation-tax for the protection of their persons (these being of equal value to all), and an unequal tax for the protection of their property, which is unequal. To this others reply, that the all of one man is as valuable to him as the all of another. From these confusions, there is no other mode of extrication than the utilitarian.

Is, then, the difference between the Just and the Expedient a merely imaginary distinction? Have man-

kind been under a delusion in thinking that justice is a more sacred thing than policy, and that the latter ought only to be listened to after the former has been satisfied? By no means. The exposition we have given of the nature and origin of the sentiment recognizes a real distinction; and no one of those who profess the most sublime contempt for the consequences of actions as an element in their morality attaches more importance to the distinction than I do. While I dispute the pretensions of any theory which sets up an imaginary standard of justice not grounded on utility, I account the justice which is grounded on utility to be the chief part, and incomparably the most sacred and binding part, of all morality. Justice is a name for certain classes of moral rules which concern the essentials of human well-being more nearly, and are therefore of more absolute obligation, than any other rules for the guidance of life; and the notion which we have found to be of the essence of the idea of justice, that of a right residing in an individual, implies and testifies to this more binding obligation.

The moral rules which forbid mankind to hurt one another (in which we must never forget to include wrongful interference with each other's freedom) are more vital to human well-being than any maxims, however important, which only point out the best mode of managing some department of human affairs. They have also the peculiarity, that they are the main element in determining the whole of the social feelings of mankind. It is their observance which alone preserves peace among human beings: if obedience to them were not the rule, and disobedience the exception, every one

would see in every one else an enemy, against whom he must be perpetually guarding himself. What is hardly less important, these are the precepts which mankind have the strongest and the most direct inducements for impressing upon one another. By merely giving to each other prudential instruction or exhortation, they may gain, or think they gain, nothing; in inculcating on each other the duty of positive beneficence, they have an unmistakable interest, but far less in degree: a person may possibly not need the benefits of others; but he always needs that they should not do him hurt. Thus the moralities which protect every individual from being harmed by others, either directly or by being hindered in his freedom of pursuing his own good, are at once those which he himself has most at heart, and those which he has the strongest interest in publishing and enforcing by word and deed. It is by a person's observance of these, that his fitness to exist as one of the fellowship of human beings is tested and decided; for on that depends his being a nuisance or not to those with whom he is in contact. Now, it is these moralities, primarily, which compose the obligations of justice. The most marked cases of injustice, and those which give the tone to the feeling of repugnance which characterizes the sentiment, are acts of wrongful aggression, or wrongful exercise of power over some one; the next are those which consist in wrongfully withholding from him something which is his due: in both cases inflicting on him a positive hurt, either in the form of direct suffering, or of the privation of some good which he had reasonable ground, either of a physical or of a social kind, for counting upon.

The same powerful motives which command the observance of these primary moralities enjoin the punishment of those who violate them ; and as the impulses of self-defence, of defence of others, and of vengeance, are all called forth against such persons, retribution, or evil for evil, becomes closely connected with the sentiment of justice, and is universally included in the idea. Good for good is also one of the dictates of justice ; and this, though its social utility is evident, and though it carries with it a natural human feeling, has not at first sight that obvious connection with hurt or injury, which, existing in the most elementary cases of just and unjust, is the source of the characteristic intensity of the sentiment. But the connection, though less obvious, is not less real. He who accepts benefits, and denies a return of them when needed, inflicts a real hurt, by disappointing one of the most natural and reasonable of expectations, and one which he must at least tacitly have encouraged, otherwise the benefits would seldom have been conferred. The important rank, among human evils and wrongs, of the disappointment of expectation, is shown in the fact, that it constitutes the principal criminality of two such highly immoral acts as a breach of friendship and a breach of promise. Few hurts which human beings can sustain are greater, and none wound more, than when that on which they habitually and with full assurance relied fails them in the hour of need ; and few wrongs are greater than this mere withholding of good : none excite more resentment, either in the person suffering, or in a sympathizing spectator. The principle, therefore, of giving to each what they deserve, — that is,



good for good, as well as evil for evil, — is not only included within the idea of Justice as we have defined it, but is a proper object of that intensity of sentiment which places the Just, in human estimation, above the simply Expedient.

Most of the maxims of justice current in the world, and commonly appealed to in its transactions, are simply instrumental to carrying into effect the principles of justice which we have now spoken of. That a person is only responsible for what he has done voluntarily, or could voluntarily have avoided; that it is unjust to condemn any person unheard; that the punishment ought to be proportioned to the offence, and the like, — are maxims intended to prevent the just principle of evil for evil from being perverted to the infliction of evil without that justification. The greater part of these common maxims have come into use from the practice of courts of justice, which have been naturally led to a more complete recognition and elaboration than was likely to suggest itself to others, of the rules necessary to enable them to fulfil their double function, of inflicting punishment when due, and of awarding to each person his right.

That first of judicial virtues, impartiality, is an obligation of justice, partly for the reason last mentioned, as being a necessary condition of the fulfilment of the other obligations of justice. But this is not the only source of the exalted rank, among human obligations, of those maxims of equality and impartiality, which, both in popular estimation and in that of the most enlightened, are included among the precepts of justice. In one point of view, they may be considered as corol-

laries from the principles already laid down. If it is a duty to do to each according to his deserts, returning good for good as well as repressing evil by evil, it necessarily follows that we should treat all equally well (when no higher duty forbids) who have deserved equally well of *us*; and that society should treat all equally well who have deserved equally well of *it*,—that is, who have deserved equally well absolutely. This is the highest abstract standard of social and distributive justice, towards which all institutions, and the efforts of all virtuous citizens, should be made in the utmost possible degree to converge. But this great moral duty rests upon a still deeper foundation; being a direct emanation from the first principle of morals, and not a mere logical corollary from secondary or derivative doctrines. It is involved in the very meaning of Utility, or the Greatest-happiness Principle. That principle is a mere form of words without rational signification, unless one person's happiness, supposed equal in degree (with the proper allowance made for kind), is counted for exactly as much as another's. Those conditions being supplied, Bentham's dictum, "Everybody to count for one, nobody for more than one," might be written under the principle of utility as an explanatory commentary.\*

\* This implication, in the first principle of the utilitarian scheme of perfect impartiality between persons, is regarded by Mr Herbert Spencer (in his "Social Statics") as a disproof of the pretensions of utility to be a sufficient guide to right; since (he says) the principle of utility presupposes the anterior principle, that everybody has an equal right to happiness. It may be more correctly described as supposing that equal amounts of happiness are equally desirable, whether felt by the same or by different persons. This, however, is not a *presupposition*; not a premise needful to support the principle of utility, but the very principle itself: for what is the principle of utility, if it be not that "happiness" and "desirable" are synonymous

The equal claim of everybody to happiness, in the estimation of the moralist and the legislator, involves an equal claim to all the means of happiness, except in so far as the inevitable conditions of human life, and the general interest, in which that of every individual is included, set limits to the maxim; and those limits ought to be strictly construed. As every other maxim of justice, so this, is by no means applied or held applicable universally: on the contrary, as I have already remarked, it bends to every person's ideas of social expediency. But, in whatever case it is deemed applicable at all, it is held to be the dictate of justice. All persons are deemed to have a *right* to equality of treatment, except when some recognized social expediency requires the reverse.

terms? If there is any anterior principle implied, it can be no other than this,—that the truths of arithmetic are applicable to the valuation of happiness, as of all other measurable quantities.

[Mr. Herbert Spencer, in a private communication on the subject of the preceding note, objects to being considered an opponent of Utilitarianism, and states that he regards happiness as the ultimate end of morality; but deems that end only partially attainable by empirical generalizations from the observed results of conduct, and completely attainable only by deducing, from the laws of life and the conditions of existence, what kinds of action necessarily tend to produce happiness, and what kinds to produce unhappiness. With the exception of the word “necessarily,” I have no dissent to express from this doctrine; and (omitting that word) I am not aware that any modern advocate of utilitarianism is of a different opinion. Bentham certainly, to whom, in the “Social Statics,” Mr. Spencer particularly referred, is, least of all writers, chargeable with unwillingness to deduce the effect of actions on happiness from the laws of human nature and the universal conditions of human life. The common charge against him is of relying too exclusively upon such deductions, and declining altogether to be bound by the generalizations from specific experience which Mr. Spencer thinks that utilitarians generally confine themselves to. My own opinion (and, as I collect, Mr. Spencer's) is, that in ethics, as in all other branches of scientific study, the consilience of the results of both these processes, each corroborating and verifying the other, is requisite to give to any general proposition the kind and degree of evidence which constitutes scientific proof.]

And hence all social inequalities, which have ceased to be considered expedient, assume the character, not of simple inexpediency, but of injustice, and appear so tyrannical, that people are apt to wonder how they ever could have been tolerated ; forgetful that they themselves perhaps tolerate other inequalities under an equally mistaken notion of expediency, the correction of which would make that which they approve seem quite as monstrous as what they have at last learnt to condemn. The entire history of social improvement has been a series of transitions, by which one custom or institution after another, from being a supposed primary necessity of social existence, has passed into the rank of an universally stigmatized injustice and tyranny. So it has been with the distinctions of slaves and freemen, nobles and serfs, patricians and plebeians ; and so it will be, and in part already is, with the aristocracies of color, race, and sex.

It appears, from what has been said, that justice is a name for certain moral requirements, which, regarded collectively, stand higher in the scale of social utility, and are therefore of more paramount obligation, than any others ; though particular cases may occur in which some other social duty is so important as to overrule any one of the general maxims of justice. Thus, to save a life, it may not only be allowable, but a duty, to steal, or take by force, the necessary food or medicine, or to kidnap, and compel to officiate, the only qualified medical practitioner. In such cases, as we do not call any thing justice which is not a virtue, we usually say, not that justice must give way to some other moral principle, but that what is just in ordinary

cases is, by reason of that other principle, not just in the particular case. By this useful accommodation of language, the character of indefeasibility attributed to justice is kept up, and we are saved from the necessity of maintaining that there can be laudable injustice.

The considerations which have now been adduced, resolve, I conceive, the only real difficulty in the utilitarian theory of morals. It has always been evident that all cases of justice are also cases of expediency: the difference is in the peculiar sentiment which attaches to the former, as contradistinguished from the latter. If this characteristic sentiment has been sufficiently accounted for; if there is no necessity to assume for it any peculiarity of origin; if it is simply the natural feeling of resentment, moralized by being made co-extensive with the demands of social good; and if this feeling not only does but ought to exist in all the classes of cases to which the idea of justice corresponds,—that idea no longer presents itself as a stumbling-block to the utilitarian ethics. Justice remains the appropriate name for certain social utilities which are vastly more important, and therefore more absolute and imperative, than any others are as a class (though not more so than others may be in particular cases), and which therefore ought to be, as well as naturally are, guarded by a sentiment not only different in degree, but also in kind; distinguished from the milder feeling which attaches to the mere idea of promoting human pleasure or convenience, at once by the more definite nature of its commands, and by the sterner character of its sanctions.

